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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND EIGHTY-FIRST MEETING

Held at Headquarters, New York,
on Wednesday, 3 April 1991, at 10.30 a.m.

President:	Mr. NOTERDAEME	(Belgium)
Members:	Austria	Mr. HOHENFELLNER
	China	Mr. LI Daoyu
	Côte d'Ivoire	Mr. BECHIO
	Cuba	Mr. ALARCON de QUESADA
	Ecuador	Mr. AYALA LASSO
	France	Mr. ROCHEREAU DE LA SABLIERE
	India	Mr. GHAREKHAN
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PICKERING
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. LUKABU KHABOUJI N'ZAJI
	Zimbabwe	Mr. ZENENGA

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The meeting was called to order at 12 noon.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT (interpretation from French): As this is the first meeting of the Security Council for the month of April, I should like to take this opportunity to pay a tribute, on behalf of the Council, to His Excellency Mr. Peter Hohenfellner, Permanent Representative of Austria to the United Nations, for his service as President of the Security Council for the month of March. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Hohenfellner for the great diplomatic skill and unfailing courtesy with which he conducted the Council's business last month.

EXPRESSION OF WELCOME TO THE PERMANENT REPRESENTATIVE OF COTE D'IVOIRE TO THE UNITED NATIONS

The PRESIDENT (interpretation from French): I should like, at the outset of the meeting, to extend a warm welcome to the new Permanent Representative of Côte d'Ivoire to the United Nations, His Excellency Mr. Jean-Jacques Bechio. We look forward to cooperating with him in the work of the Security Council.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

The PRESIDENT (interpretation from French): I should like to inform the Council that I have receive letters from the representatives of Iraq and Kuwait in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

(The President)

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Anbari (Iraq) and Mr. Abulhasan (Kuwait) took places at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/22430, which contains the text of a draft resolution submitted by France, Romania, the United Kingdom of Great Britain and Northern Ireland and the United States of America. I should like to draw members' attention to a technical correction in the text of paragraph 19 of the draft resolution: in the tenth line of the English text of that paragraph, the words "and in particular humanitarian needs" should be deleted. This correction will be reflected in the texts of the draft resolution in the other languages.

I wish to inform members of the Council that Belgium has joined the sponsors of the draft resolution in document S/22430.

I should also like to draw the attention of members of the Council to the following communications: S/22320, S/22321, S/22330, S/22331, S/22332, S/22342, S/22396, S/22399, S/22407, S/22355, S/22356, S/22357, S/22360, S/22364, S/22365, S/22370, S/22371, S/22375, S/22380, S/22384, S/22416, S/22420, S/22421, S/22422, S/22423, S/22431 and S/22434 from Iraq;

S/22338, S/22394, S/22395, S/22406, S/22359, S/22367, S/22376, S/22389, S/22427, S/22432 and S/22433 from Kuwait;

S/22323 from Luxembourg;

S/22325 from Czechoslovakia;

S/22327, S/22413 and S/22350 from Saudi Arabia;

(The President)

S/22328, S/22333, S/22400, S/22409, S/22366, S/22387 and S/22419 from the Secretary-General;

S/22329 from Guinea;

S/22322, S/22334 and S/22361 from the President of the Security Council;

S/22335 from Nigeria;

S/22336 from Egypt;

S/22337 and S/22391 from Palestine;

S/22339 from Thailand;

S/22340 from Brunei Darussalam;

S/22341 from the United States of America;

S/22343 from Botswana;

S/22346 from Ghana;

S/22347 from Viet Nam;

S/22349 and S/22403 from Japan;

S/22358 from France;

S/22372 from the Sudan;

S/22374 from the Syrian Arab Republic;

S/22379 from the Islamic Republic of Iran;

S/22382 from Bangladesh, Bulgaria, Czechoslovakia, Djibouti, India, Jordan, Lebanon, Poland, Romania, Seychelles, Sri Lanka, the Sudan, the Syrian Arab Republic, Tunisia, Mauritania, Pakistan, the Philippines, Uruguay, Viet Nam, Yemen and Yugoslavia;

S/22392 from the Union of Soviet Socialist Republics;

S/22412 from the United Kingdom of Great Britain and Northern Ireland;

S/22424 from Oman.

Mr. LUKABU KHABOUJI N'ZAJI (Zaire) (interpretation from French): I should like to inform the Council that my country, Zaire, has joined the sponsors of draft resolution S/22430.

The PRESIDENT (interpretation from French): The call on the representative of Kuwait, who has asked to make a statement.

Mr. ABULHASAN (Kuwait) (interpretation from Arabic): On behalf of the delegation of Kuwait and on my own behalf, it gives me great pleasure indeed to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. We are confident that your experience and diplomatic skills will enable the Council fully to discharge its duties and to continue to render its great service to the cause of world peace and security as it has in the course of the previous months. Belgium, the friendly State you represent, is an important member of the international community and a great advocate of the principles of international law and of the Charter of the United Nations. My country maintains the friendliest of ties with Belgium.

I should also like to take this opportunity to express my thanks and gratitude to your predecessor, my colleague Mr. Peter Hohenfellner, Permanent Representative of Austria, for his excellent conduct of the Council's business during the important month of March and for his outstanding performance in dealing with the tasks that were before the Council during that month.

My delegation is also pleased to welcome the new Permanent Representative of Côte d'Ivoire, my colleague Mr. Jean-Jacques Bechio. I wish him a pleasant tenure and fruitful work, and I promise him my delegation's full cooperation.

The Council's meeting today to vote on the draft resolution before it is indeed another historic event in the context of the present crisis. Its importance is equal to that of the earlier historic meeting at which members of the Council adopted resolution 678 (1990). That resolution, which authorized the countries

(Mr. Abulhasan, Kuwait)

cooperating with the Government of Kuwait to use all necessary means to compel Iraq to withdraw from Kuwait and to implement all the relevant resolutions of the Security Council.

The draft resolution now before the Council could be regarded as epitomizing all the resolutions concerning Kuwait that the Council earlier adopted in implementing decisively and responsibly the principles of international law and international legitimacy. That effective action represents the Council's keen interest in the present and future of the concept of collective peace and security derived from the United Nations Charter. It also reflects the content and concepts of the new world order that the international family is determined to establish. The international community is also determined to encourage a commitment to that new world order and, if need be, to impose it.

How right the United States Secretary of State was when he spoke in the Council on 29 November 1990, the day on which resolution 678 (1990) was adopted. On that occasion he recalled the failure of the League of Nations to deal with the plight of Ethiopia in 1936, when it was the subject of the invasion, occupation and brutality of an occupier, and he compared that failure with the success of the Security Council in standing firm against the Iraqi aggression against Kuwait and against peace and security in the region.

(Mr. Abulhasan, Kuwait)

Mr. Baker pointed out that the appeal made by the late Emperor Haile Selassie of Ethiopia at that time fell on deaf ears in the League of Nations. The efforts of the League of Nations to reverse that aggression and to liberate the people of Ethiopia from the yoke of that occupation and colonization had failed. That failure was followed by a war and disturbances in the international arena.

Undoubtedly, the resounding success of the international community through its solidarity in 1990 to stand up to the Iraqi aggression against Kuwait and to reverse its dangers will remain an example to be followed by succeeding generations.

The international community has learned its lesson. In its unprecedented collective stance it has become certain that to turn a blind eye to the evil of aggression or to condone its crimes means in effect taking part in it.

It was no exaggeration for some to have said recently that history had reached a new starting-point concerning Kuwait when the members of the international family were unanimous in their clear and effective commitment to the United Nations Charter, when they translated their words into deeds and their verbal commitment and moral support into effective action and tangible arrangements.

It was no exaggeration to say that the United Nations Charter, with all its lofty principles, became law when the international community effectively dealt with the brutal Iraqi aggression against Kuwait. It proved that the Organization, with its Security Council, is an effective instrument for collective security and the maintenance of world peace and security, and that all States, large and small, can depend on the security guarantees afforded by the Charter; and it proved that the collective commitment of States to the Charter is the best guarantee for the stability, peace and security of nations.

(Mr. Abulhasan, Kuwait)

Let us now ask ourselves whether effective international solidarity will indeed emerge from the rubble and the debris of Kuwait and Iraq, just as the mythical phoenix rose from the ashes. Did the plight of Kuwait and the painful suffering of its people really lay the foundations for the resurgence of the principle of collective security when it lay dormant or was even dying? Can the fact that the international community stood up to the brutal Iraqi aggression and defeated it be considered the dawning of a new age of true international awareness and profound world appreciation of the definite need for all the members of the international community to have the sincere will for collectively dealing with questions affecting their common destiny and standing up to the powers of evil that recognize no boundaries and no conventions?

Yes, the tragedy of Kuwait has spawned all that; it has demonstrated the feasibility and reality of all these vital goals and objectives, as we had always called for repeatedly, even before the crisis. The United Nations and its objectives and successes are but a literal reflection of the conduct of its Members, their commitment to the principles of the Charter and their interest in consolidating these principles.

We are truly witnessing a new dawn in the world that emanates from international legitimacy, and it will become the shield of all States, large and small.

Today, the Council continues this historic, unprecedented march in facing up to criminal aggression by any party, whether in the present or in the future. Therefore, we must remember that the completion of the political aspect of this effort is as important as the military aspect that, by the grace of God Almighty, was carried out by the international forces with great success.

(Mr. Abulhasan, Kuwait)

It is inconceivable that an aggressive regime should eliminate a peaceful, secure State, brutalize its population and for eight months before the eyes of the whole world impose on it all manner of oppression and inhuman practices, and then proceed to pollute the marine environment and torch the oil wells, which will continue to burn for a long time to come; it is inconceivable that that regime should be allowed to return to the former situation without being held fully responsible and made to pay all reparations and return all looted property, and without depriving it of the means to carry out aggression and without terminating, under clear international guarantees, all matters left outstanding.

Today, we might not find better proof of the magnitude of the destruction wreaked upon Kuwait than the report of the Secretary-General's representative, Mr. Ahtisaari, which was issued a few days ago after his visit to Kuwait with a technical team. He said:

> "There can be no doubt that a deliberate attempt was made to extinguish Kuwait, its national identity, the pride of its people in their history and achievements. The manner of destruction, with its coordinated vandalism and massive looting, leaves an indelible image. It was a privilege for me and the members of my team to witness the rebirth of a nation, however painful the circumstances." (S/22409, para. 41)

I should like to take this opportunity to thank Mr. Ahtisaari and the members of his mission for their sincere efforts in carrying out their mission and for informing the international community of the magnitude of the tragedy visited upon my country by the brutal Baghdad regime.

In speaking of Mr. Ahtisaari's report I am reminded of what he said in a previous report about Iraq's having been set back many years and been subjected to

(Mr. Abulhasan, Kuwait)

excessive damage. With bitterness and with sadness tugging at our heartstrings, we ask: Who set Iraq back many years? Who was the cause of all this destruction? Who took its people from a state of welfare and progress to this tragic situation, a situation akin to civil war during which the Baghdad regime is now continuing to add to its brutal record of oppressing its own citizens before it begins oppressing other peoples?

(Mr. Abulhasan, Kuwait)

The cause for this entire state of affairs is that very regime which concluded the Algiers Agreement with Iran in 1975 to establish peace between Iraq and Iran, its neighbour, and then tore the Agreement to pieces before the whole world and trampled it underfoot when it arrogantly and insolently invaded Iran. It is the same regime which arrogantly shirked the duties and obligations of its country under the 1963 Agreement between Kuwait and Iraq. It dealt a blow to the Charter of the Arab League, the Charter of the United Nations and all international laws and norms when it occupied Kuwait hours after official talks between the two countries. That meeting was merely theatrical, a smokescreen behind which that regime could conceal its preparations for invasion and aggression. It is the same regime whose very President in Baghdad in February 1980 made a pledge not to interfere in the internal affairs of Arab States, in which he pointed out the importance of respect for the security and sovereignty of all Arab States, be they large or small. I should like, in this regard, to quote from an interview conducted by the editor of the Egyptian newspaper Al-Ahram with President Hosni Mubarak of Egypt, who said:

> "I had previously mentioned what was declared by the Iraqi President before all Heads of State at the Rabat Summit and with the Arab lawyers. The text of his speech is on record everywhere. He said: If Iraq occupies an Arab State, you must stand against Iraq. This is a clear, categorical statement, and if we implement it, can he brand us as traitors and agents? This is truly bizarre."

The Council does not have sufficient time for a detailed account of the record of the Baghdad regime. We need not go into detail since members are well aware of all its actions. Therefore, we call upon the Council to take all necessary measures to guarantee for us and for all the peoples of the region respect by the

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Iraqi regime for its obligations and duties provided for in all agreements or conventions applicable to it. The Iraqi regime has proven beyond any doubt that it has no credibility, that it disregards all treaties and agreements, that it turns a blind eye to all laws and the most rudimentary principles and norms. For example, despite the fact that Baghdad had declared its acceptance of Security Council resolution 686 (1991), it has yet to return property looted from Kuwait and has not even issued a statement, as is required under that resolution, in which it officially accepts the principle of reparations from a legal standpoint.

The international community must take a decisive and strict stand against this kind of aggressive regime to the very end. We cannot speak of the dawn of a new world order without punishing the outlaws. We cannot allow any State to exploit the problems of borders in order to achieve regional expansion or to carry out aggressive adventures in which armies trample on the innocent and in which bullets and fire take the place of words and dialogue. Therefore, this historic draft resolution of the Security Council must be a shield to protect the region from the evils of the Baghdad regime in the future. It must also be a lesson for any other regime in any other part of the world that might be tempted to carry out such evils, because of tyranny and megalomania. The Council must deal decisively and with full effectiveness with all aspects and all questions. In addition to reparations, guarantees and rights, the question of armaments must be considered. So must the terrifying arsenal of Iraq, on which billions of dollars were spent through many illegal channels, not for the establishment of a national army of defence, but as had become evident, for the achievement of objectives of regional expansion that have become known to all. This arsenal, unfortunately, was

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created and deployed at the expense of the development of the Iraqi people and, in the final analysis, at the expense of its security and stability and of the lives of its innocent citizens lost in popular uprisings against the regime in the north, the south and other parts of Iraq.

It gives me pleasure to place on record before the Council, from which the battle for the liberation of Kuwait was launched, that Kuwait is free, that its proud people has gone back to the exercise of its rights and duties in the battle of reconstruction and reform, that its legitimate Government has returned to lead its citizens on the road to well-being. The history of any people is but a series of experiences, both painful and happy, that make clear how attached a people is to its constitutional and political regime chosen of its own free will. We are fully confident and convinced that the tragedy of aggression has made our people more loving and proud of its national soil, that it will make our people redouble its efforts to rehabilitate and reconstruct our country. We will carry out this task in the light of our traditions, our values, our constitution and through all our democratic institutions, which have emerged since the independence of Kuwait in 1961.

(Mr. Abulhasan, Kuwait)

Kuwait will ensure, as it always has, respect for basic freedoms, human dignity and human rights for all. It will always protect the safety and security of all those residing on its territory, without any discrimination.

Kuwait has distinguished itself as a State whose hospitality is enjoyed by brothers and friends who have come to work together in the service of Kuwait and to earn an honest living. We shall continue to welcome them and to appreciate their work. We shall reject all those who may be ungrateful, all those who might act against Kuwait's interests and against the principles, values and pride of its people. In all our actions towards our residents, whether Kuwaitis or foreign, we are inspired by the teachings of our religion and by the rule of law, and we shall not give way to our emotions.

May God support us and help us. I close my statement by expressing our thanks to God Almighty.

The PRESIDENT (interpretation from French): I thank the representative of Kuwait for his kind words addressed to me.

The next speaker is the representative of Iraq, on whom I now call.

Mr. AL-ANBARI (Iraq) (interpretation from Arabic): I wish to congratulate you, Sir, on your assumption of the presidency of the Council for the month of April. I am confident that you will discharge your responsibility as President in the best possible manner. I should also like to express my deep appreciation to your predecessor, the Ambassador of Austria, for his continued, tireless efforts in discharging his responsibilities in an exemplary way.

Before the Council voted at its meeting on 29 November 1990 on what became resolution 678 (1990) I had the honour to address the Council, when I spoke of its authorizing, in the second paragraph of the resolution, members of the alliance to use all necessary means to implement resolution 660 (1990) and all subsequent resolutions, including the resolution that was then adopted. That authorization,

(Mr. Al-Anbari, Iraq)

which included the use of force by the countries of the alliance individually and collectively, went beyond the Security Council's mandate and was in contravention of the Charter.

Our position is based on various considerations. The use of force under a Security Council resolution should be in accordance with Article 42 and all subsequent Articles. It should be confined to the achievement of the objectives specified by the Security Council and should not be intended to achieve the objectives of one country or a group of countries. The Charter provides that should the Council decide to use force to implement its resolutions the international force used should be composed of national forces placed at the disposal of the Security Council, in accordance with bilateral agreements between the Council and the countries concerned, and should be under the direction of the Military Staff Committee and under the United Nations flag. When those conditions are not met, authorization to countries to use force individually or collectively does not guarantee that they will not, individually or collectively, exceed the limits and objectives envisaged by the Council originally. In fact, in the absence of monitoring by the Council it is almost certain that those objectives will be exceeded.

Iraq has accepted resolutions 660 (1990) and 678 (1990) and the rest of the resolutions adopted by the Council under what is called "The situation between Iraq and Kuwait". However, the actions of the alliance under the command of the United States, which started its military operations with an aerial bombardment on the night of 16/17 January this year, operations which continued until after the land military operations had been suspended on 28 February, went beyond the objectives of resolution 678 (1990) in their violence and brutality.

(Mr. Al-Anbari, Iraq)

After the United States began its aerial bombardment of Iraq it carried out thousands of raids daily, day and night, from 16/17 January until the declaration of the temporary suspension of offensive operations on 28 February. A total of 88,500 tons of explosives was dropped by aircraft on Iraq. That almost equalled the explosive power of seven atomic bombs of the type the United States dropped on Hiroshima.

The American media portrayed the aerial bombardment as being conducted with the use of the latest military technology, aircraft launching laser-guided bombs or "smart" bombs to hit only strategic and military targets, and not civilian targets. However, the reality was different. The reality was that the offensive forces placed great reliance on the B-52s, which carry only "dumb" bombs launched from an altitude of more than 30,000 feet, thus making it almost impossible to distinguish between civilian and military targets. Bombing civilian targets and killing civilian populations was a deliberate act for which the United States and its partners in the aggression should bear full responsibility.

The American public relations machine used the expression "collateral damage" to describe civilian victims and civilian targets hit by American bombs and the bombs of the other coalition partners. That brings to mind another American expression, "pacification", used by the same American machinery to describe the operations of annihilation and the destruction of villages and forests in Viet Nam, using poisonous chemical material. This is only a new addition to the type of language described by George Orwell in "1984".

The reality exposed by military statistics after the suspension of military operations shows that the majority of the targets hit by American aircraft were not military and that the military targets aimed at were missed. We have only to refer

(Mr. Al-Anbari, Iraq)

to a report in The Washington Post on 16 March 1991, quoting a statement by the Commander of the United States Air Force, General Merrill A. McPeak. The paper said that of the explosives dropped on the cities and villages of Iraq, a total of 88,500 tons, only 7 per cent were in guided bombs.

(Mr. Al-Anbari, Iraq)

The report in The Washington Post refers to the statement by General McPeak that, of 88,500 tons of bombs dropped on cities and villages of Iraq, barely 7 per cent were guided bombs. If these guided bombs had hit 90 per cent of their targets, then the average hits of the United States bombs totalled only 30 per cent. These weapons missed 70 per cent of the targets, and they hit civilian targets, causing the death of tens of thousands of women and children and the elderly and the destruction of tens of thousands of houses and other civilian installations. That was the statement by the Commander of the United States Air Force reported in The Washington Post.

I should like to state here that the actions of the United States and its partners during their military operations against Iraq went far beyond Security Council resolution 678 (1990). Therefore, the United States and its allies should bear the full responsibility for the excesses committed in their operations, which went far beyond the limits and the objectives of resolution 678 (1990). That resolution related only to the withdrawal of Iraqi forces from Kuwait and the restoration of the legitimate authorities.

Here I wish to refer to the report of the mission which was sent to Iraq by the United Nations Secretary-General and which was in Iraq from 10 to 17 March 1991. This mission comprised representatives of most of the organizations and agencies of the United Nations. In its report, dated 20 March 1991, the mission states the following:

> "It should ... be said at once that nothing that we had seen or read had quite prepared us for the particular form of devestation which has now befallen the country. The recent conflict has wrought near-apocalyptic results upon the economic infrastructure of what had been, until January 1991, a rather highly urbanized and mechanized society." (S/22366, para. 8)

(Mr. Al-Anbari, Iraq)

The mission confined itself to civilian installations and cities; it did not go to military targets. In this report the mission goes on to say:

"Now, most means of modern life support have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology." (ibid.)

We must ask the United States and its partners to answer the following questions: Was it one of the objectives of resolution 678 (1991) to return Iraqi society and Iraq's economic installations to the age predating the industrial revolution? Or was the comprehensive damage and destruction wreaked upon all the cities and villages of Iraq and all its vital installations merely an involuntary mistake, merely collateral damage?

The draft resolution before the Security Council today refers to the implementation of resolution 661 (1990), which imposed the economic and financial blockade on Iraq and which has been in effect since 6 August 1990, and indeed is still in effect. The draft resolution itself states that the blockade will continue to be in force.

In this connection I must refer again to the report of the United Nations mission which I have already mentioned. The following warning is contained in the final paragraph of that report:

"It is unmistakable that the Iraqi people may soon face a further imminent catastrophe, which could include epidemic and famine, if massive life-supporting needs are not rapidly met." (S/22366, para. 37)

I should like to put another question: Was it necessary to destroy water and sewage facilities in order to achieve the objectives of resolution 678 (1990)? Was the resulting spread of sewage to streets, houses and rivers a secret to forces that take such pride in their technology and their guided laser bombs? Perhaps

(Mr. Al-Anbari, Iraq)

this too will be described as "collateral damage". Electricity-generating stations were strategic targets, because electric energy was necessary for Iraqi military forces. But these forces, too, need water, air and medicine. Did the poisoning of the water and the air in Iraq and the annihilation of the people of Iraq become a target in order to prevent Iraqi troops from meeting their basic needs? Was it really necessary to annihilate the Iraqi army - in the words used recently by one of the military commanders of the alliance?

What remains of the four Geneva Conventions on the protection of civilian persons in times of armed conflict, the protection of prisoners of war, and other subjects, designed to limit the brutality and inhumanity of war? Are these Conventions to be declared null and void? For the killing of civilians and the destruction of the installations basic to civilian life and safety seem to require, according to United States strategy in its aggression against Iraq, continued bombing, day and night, with no distinction being made between civilian and military targets. The four Geneva Conventions should be respected and observed, not only by small countries but also, and above all, by major Powers, which possess the right of veto and all types of weapons of mass destruction. Foremost among those major Powers are the United States, the United Kingdom and France. Are they immune from sanctions that must be imposed on countries which contravene the provisions of the Geneva Conventions, or the Treaty on the Non-Proliferation of Nuclear Weapons, or the Charter of the United Nations?

The destruction wreaked upon Iraq by the United States and its partners went beyond the limits and the objectives of resolution 678 (1990). This destruction was not only physical destruction: epidemics will spread and basic medical needs will no longer be met. The destruction will have effects for many years among future generations.

(Mr. Al-Anbari, Iraq)

In its issue of 18 March 1991, Time magazine published a very alarming article, which has been met with very strange silence on the part of the media in the United States. In that article it was stated that Abrams tanks and A-10 Thunderbolt fighter-bombers fired shells made of depleted uranium; this material emits radioactive oxidized uranium; anyone exposed to that particular radiation could be subject to various types of cancer in future years.

If we recall the amounts of explosives that were dropped on civilian and military targets, as well as on the Iraqi countryside - including these bombs that were made of depleted uranium - we must really ask if the United States really observes in its wars any international agreements or moral principles.

(Mr. Al-Anbari, Iraq)

Those who would like to justify or find pretexts for these inhuman acts may say that those fears have absolutely no scientific basis or that the United States authorities are unaware of them. However, those fears are based on very substantial scientific facts of which the United States authorities are aware. The magazine referred to the fact that in 1980 the State of New York had to close a plant that used depleted uranium in the wake of the authorities' discovery that the level of radioactivity around the plant was 25 times higher than the acceptable average. If the American authorities knew of that, were they trying - in addition to destroying Iraq economically, annihilating its army, killing tens of thousands of civilians and depriving the rest of the Iraqi people of the basic means of survival for years to come - to weaken the present and future generations of Iraqi society?

In view of this background, I should like briefly to address some of the most important paragraphs of the draft resolution before the Council. Since Iraq announced its commitment to all the resolutions of the Security Council adopted since 2 August 1990 - including the thirteenth, resolution 686 (1991), which states in its last paragraph that the Council would continue to secure the rapid establishment of a definitive end to the hostilities - perhaps the majority of the Council expected that the new United States draft resolution would be confined to lifting the economic blockade imposed on Iraq, freeing its frozen assets and property, announcing a permanent cease-fire and the end of hostilities between Iraq and the countries of the alliance, and establishing peaceful relations in the place of hostilities. However, the new draft resolution raises new questions that previous resolutions never tackled or dealt with in a substantially different way.

(Mr. Al-Anbari, Iraq)

My position on the major paragraphs in the draft resolution can be summed up as follows. First, as to the question of boundaries, the Security Council has never before imposed disputed international boundaries on States Members of the United Nations. Recognized international boundaries represent a basic pillar of the territorial integrity of States. Therefore, the views of all States concerned should be taken into consideration. Iraq views this question and the manner in which it has been addressed in this draft resolution as an infringement upon its sovereignty and territorial integrity. The text contravenes operative paragraph 3 of resolution 660 (1990), which calls upon Iraq and Kuwait to begin negotiations for the resolution of their differences, and among those differences is that of boundaries. Iraq reserves its right to demand its legitimate territorial rights in accordance with international law. Its understanding of the text of the draft resolution is in accordance with the Charter of the United Nations, and the provisions of international law in this respect remain valid.

Secondly, as to the question of reparations, Iraq understands that the text has been arrived at in accordance with international law provisions in resolution 674 (1990) with regard to the principle of reparations. Therefore, Iraq reserves its right to request reparations for all losses that it has incurred through any excess in the use of force as authorized by resolution 678 (1990) for countries to use all necessary means to implement resolution 660 (1990) and all subsequent resolutions. The imposition of reparations on Iraq alone and in the coercive manner of the draft resolution would only lead to the paralysis of Iraq's capacity to rebuild its economy and vital installations, and to keeping the Iraqi people unable, for several generations to come, to achieve a minimum standard of living that would provide for a dignified life.

(Mr. Al-Anbari, Iraq)

Thirdly, as to the question of destroying weapons, if the text aims at restoring international peace and security in the region, it is obvious that Iraq's undertaking this alone would not secure that objective. There are countries in the area - foremost among which is Israel, which attacked peaceful Iraqi nuclear installations in 1981 - that possess such weapons. Maintaining their stockpiles would perpetuate the threat that prompted Iraq to arm itself in the first place to defend its national security at the expense of development. Applying the text to Iraq alone and in that manner, which is inconsistent with the declared objective, would be duplicitous and evidence of a double standard in dealing with a question of the same nature. Iraq believes that this text will not achieve the desired objective on a practical level if the Council does not follow it up with a similar and comprehensive integrated programme to disarm the entire region of all weapons of mass destruction. Imposing disarmament on Iraq alone would create a political, military and security vacuum in the area that would tempt more than one country to give vent to its greed at the expense of one or more of its neighbours, rendering the whole area subject to instability, more violence and fighting.

Fourthly, as to the economic blockade, my Government believes that maintaining the land, sea and air blockade and the freeze of assets - in spite of all that was mentioned in the report of the United Nations mission to Iraq and of the fact that Iraq has accepted the implementation of all 13 Security Council resolutions on the issue and removed all the reasons that prompted the Security Council to adopt resolutions 661 (1990), 665 (1990), 669 (1990) and 670 (1990) - would be in contravention of the Charter of the United Nations and could be viewed as economic aggression and a clear violation of the Charter of Economic Rights and Duties of States and human rights covenants, foremost among which are the rights to life, dignity and freedom.

(Mr. Al-Anbari, Iraq)

If the Council insists on maintaining the blockade and the economic sanctions, Iraq and the international community in general, particularly the countries of the third world, will discover that the essence of the new world order is the order of United States sovereignty over the entire world and its international Organization, the imposition of the will of the United States on the international community, and the exploitation of the Security Council and the Charter of the United Nations as tools to lend legitimacy to the United States greed for plundering the economic resources of other countries and for imposing its hegemony over the world, thus ushering in a new colonial period more cruel, violent and greedy than the old colonialism, which the world had hoped had ended. Instead, it has returned under the banner of "new world order".

The PRESIDENT (interpretation from French): I thank the representative of Iraq for his kind words addressed to me.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution contained in document S/22430. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall first call on those members of the Council who wish to make statements before the voting.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): At the outset, I would like to express to you, Sir, our warm congratulations on your assumption of the presidency of the Council for this month. I am confident that you will conduct the affairs of the Council successfully.

I would be remiss if I did not express my thanks and congratulations to the Ambassador of Austria, who has proven his diplomatic skill in conducting the work of the Council last month.

I would also like to welcome the new Permanent Representative of Côte d'Ivoire and wish him every success.

On 28 February, the President of the United States of America declared the suspension of military operations in the Gulf, and on 2 March, less than 48 hours after the initial declaration, the Security Council adopted resolution 686 (1991). This resolution called on Iraq to implement all 12 Security Council resolutions, including rescinding its actions purporting to annex Kuwait, the release of all prisoners of war, the return of the property seized by Iraq, provision of a map of the locations of all mines and booby-traps and participation in talks to arrange for the cessation of hostilities. The next day, Iraq agreed to implement resolution 686 (1991) and subsequently began to implement all the other resolutions.

(Mr. Al-Ashtal, Yemen)

About three weeks later, Mr. Ahtisaari, who had gone to Iraq at the head of a mission to assess the humanitarian needs of Iraq, issued his report. The fact is that this report has brought to light the extent of the destruction that has afflicted Iraq and its infrastructure, and has given rise to many comments in the press and other media. In view of the importance of this report, and owing to the fact that it is related to our view of the draft resolution before us, permit me to read out its paragraph 8:

> "I and the members of my mission were fully conversant with media reports regarding the situation in Iraq and, of course, with the recent WHO/UNICEF report on water, sanitary and health conditions in the Greater Baghdad area. It should, however, be said at once that nothing that we had seen or read had quite prepared us for the particular form of devastation which has now befallen the country. The recent conflict has wrought near-apocalyptic results upon the economic infrastructure of what had been, until January 1991, a rather highly urbanized and mechanized society. Now, most means of modern life support have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology". (S/22366 para. 8)

The mission recommended that, in these circumstances of present severe hardship and in view of the bleak prognosis, sanctions in respect of food supplies should be immediately removed, as should those relating to the import of agricultural equipment and supplies. The Security Council approved this recommendation and lifted the embargo that had been imposed on foodstuffs and humanitarian needs.

(Mr. Al-Ashtal, Yemen)

Today we have before us a long and complicated draft resolution which includes very unjust and very harsh conditions for Iraq and its people in order to achieve an official, formal cease-fire. Among the most important of these conditions are demarcation of the boundaries, guaranteeing the boundaries, destruction of missiles and weapons of mass destruction, payment by Iraq of war reparations and a continuation of the embargo except in respect of food and medicine.

Without going into the details of the draft resolution or speaking about its individual paragraphs and its various parts, I would like to make the following remarks, pinpointing the draft resolution's most important and salient features.

What are its characteristics and features? First, this draft resolution is characterized by the fact that it tends to exceed the United Nations Charter and the Security Council mandate and resolutions.

(Mr. Al-Ashtal, Yemen)

This can be documented as follows: First, the imposition of the boundaries between Iraq and Kuwait, which is counter to Security Council resolution 660 (1990), which called upon the two parties to begin immediately intensive negotiations for the resolution of their differences. We might mention that the Security Council has never set any boundaries. That task has always been left to negotiations or brought before the International Court of Justice, with the agreement of the parties concerned.

Secondly, there is the guaranteeing of the boundaries set. There is no precedent whatsoever for the Security Council to guarantee the boundaries of any country. Does that not open the door to asking the Security Council to guarantee the boundaries of many other States, an area in which there are many instances of disagreements?

Thirdly, there is the specification of the way in which Iraq should pay reparations resulting from its responsibility for the war. According to international law it is, indeed, a fact that that responsibility should be borne by Iraq. But why should the Secretary-General be involved in a matter that falls within the purview of the International Court of Justice? Article 36 of the Statute of the International Court of Justice clearly stipulates that

> "the Court's jurisdiction comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."

The Statute continues:

> "The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(Mr. Al-Ashtal, Yemen)

"a. the interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d." - and this is the more important provision - "the nature or extent of the reparation to be made for the breach of an international obligation."

With regard to reparations, there is no doubt that there will be many claims made from different quarters. Do we not need a neutral party whose procedures are subject to a set of regulations to decide on such claims?

The draft resolution is also characterized by the narrowness of its outlook, both politically and geographically. It does not address the real needs that must be met if long-term peace and security are to be established, not only in the Gulf area but in the region as a whole - including, of course, the Middle East. This is quite clear from the following: First, we again have the imposition of boundaries instead of a call upon Iraq and Kuwait to negotiate, with the assistance of the United Nations. Is it impossible that in the distant future someone in Iraq or in Kuwait might reopen the file on the boundaries on the basis of the fact that the boundaries were imposed and not agreed upon? Would that help in establishing good-neighbourliness and stability? Or is there perhaps someone who wants to keep the problems between the two countries as they are at present?

Also, there is the question of the destruction of all biological and chemical weapons and other weapons, including ballistic missiles and their related major parts, and repair and production facilities. We would like to emphasize that Yemen supports any action aimed at eradicating weapons of mass destruction in the Middle East region and making that region a nuclear-weapon free zone and an area free

(Mr. Al-Ashtal, Yemen)

from weapons of mass destruction. However, would the destruction of the Iraqi weapons alone help in eradicating similar weapons elsewhere in the region? We do not think so. What would be the consequences of the resulting military imbalance in the area as a result of the destruction of the Iraqi weapons and the creation of a military vacuum? Would that not lead to a race to fill the vacuum between the region's countries, something we are already witnessing? Deals are now being made to purchase billions of dollars of weapons, and everyone is racing to acquire the largest quantity of state-of-the-art weaponry.

On the other hand, the military imbalance in the Middle East would benefit only Israel, which continues to challenge and defy the Security Council and the international community whenever it feels that it has sufficient military power and sources of military power to act without fear of competition from anyone else. Look at the way Israel is behaving today, at a time when the United States and other countries are engaged in attempts to solve the problems of the Middle East.

(Mr. Al-Ashtal, Yemen)

Israel has begun deporting Palestinians anew, its ministers state that the settlements will continue, and its Prime Minister has said that the Golan will remain as it is. Does this not show that there are great difficulties facing the establishment of peace and security in the region?

Thirdly, this draft resolution is characterized by the application of the same logic as that of resolution 678 (1990), in which the Council gives unlimited authority to an unlimited number of countries to do unspecified things under the banner of the guaranteeing of peace and security in the region. This is quite clear from the following:

First, it is well known that the draft resolution before us aims at the formal declaration of a cease-fire - only a cease-fire. This means that the state of war will continue between Iraq and the forces of the alliance until a definitive end is put to the military operations and hostilities, in accordance with paragraph 8 of resolution 686 (1991). But who will determine this? It will be left to the forces of the alliance. These are the forces that decided to wage the battle, using the authority of the Council, and these are the forces that will decide upon the cessation of the operation. This might take years, because it is related to the guaranteeing of peace and security in the region, let alone the guaranteeing of the boundaries between Iraq and Kuwait. Thus, the foreign forces in the Gulf will get the legitimacy for their presence from the resolutions of the Security Council, under the umbrella of the United Nations.

Secondly, how about the withdrawal of the forces of the alliance, which occupy about 20 per cent of the territory of Iraq? The draft resolution before us refers to this in paragraph 6, when it:

(Mr. Al-Ashtal, Yemen)

"Notes that as soon as the Secretary-General notifies the Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);". (S/22430, para. 6)

Security Council resolution 686 (1991) speaks about a rapid and definitive end to the hostilities - something which can only be achieved through a peace treaty. In other words, the allied forces will withdraw from Iraq only when certain conditions are met. These conditions will be those accepted by these forces; and, of course, the Security Council did not define those conditions in this draft resolution.

Thirdly, as far as the security arrangements in the area are concerned, the United Nations would not be the party that would establish security in the region, but the Security Council would have to accept or coexist with the security arrangements that would be applied because they would be made using the authority of the United Nations.

Fourthly and lastly, the draft resolution ignores, and is not really sensitive to, the needs and requirements of the Iraqi people. The insistence of the sponsors of the draft resolution that the embargo be continued with regard to the needs of the Iraqi civilians would hurt only the Iraqi people.

Why should the Iraqi people be prevented from importing books, clothes, cooking utensils, construction materials, spare parts for cars and bicycles, refrigerators and air conditioners, toys for children, sporting goods and electrical and other similar equipment? What effect would the importation of these items have on Iraq as far as the military situation is concerned? And why this cruelty to the Iraqi people, who suffered from the aerial bombardment for a whole month, who suffered from the intensified destruction, and who had already suffered

(Mr. Al-Ashtal, Yemen)

the embargo for seven months? Is it not unjust that the Iraqi people - women, children and the elderly - should suffer from both the embargo and the war?

The delegation of Yemen will not support the draft resolution before us for the reasons given. However, we should like to emphasize our consistent position calling for doing the right thing and the solution of the regional disputes between Iraq and Kuwait through peaceful means and mutual agreement, overcoming the past and beginning a new phase in relations based on full respect for sovereignty, non-intervention in the internal affairs of States, and cooperation for the good of the two neighbourly countries and their peoples.

We in Yemen were not - and will not be - a party to the dispute between the brothers and will always work for solidarity within the one Arab family, and tomorrow all these clouds will be dispersed.

The PRESIDENT (interpretation from French): I thank the representative of Yemen for the kind words he addressed to me.

Mr. LUKABU KHABOUJI N'ZAJI (Zaire) (interpretation from French): At the outset, I should like to congratulate you most sincerely, Sir, on your assumption of the presidency of the Security Council for the month of April. I do not doubt for a moment that your broad experience, as well as your talent as a seasoned diplomat, will enable you to carry out our work successfully.

I should also like to congratulate the Ambassador of Austria, who led so competently the work of the Security Council in the month of March.

Finally, I should like to welcome most warmly Mr. Jean-Jacques Bechio, the Permanent Representative and Ambassador of Côte d'Ivoire to the Security Council, and extend to him our wishes for total success in his work.

The Security Council has before it a draft resolution whose objectives give us a basis to hope that after its adoption the Gulf region, which has been the focal point of the concerns of the entire international community, will finally regain the lasting peace to which it has aspired. The draft, considered quite rightly as the most complex and longest which the Council has taken up, deals with various areas which in some respects have never been examined within this prestigious body of the United Nations.

Zaire believes that the extraordinary nature of the Gulf crisis requires that the Council find extraordinary solutions. This is why my country highly values the intellectual and physical efforts made by the entire Council in order to find solutions designed to establish a lasting peace together with conditions that would ensure stability in the region. In this regard, my delegation believes that the areas covered by this draft resolution - boundaries, troop withdrawal, sanctions, the system of compensating for damages, the elimination of weapons of mass

(Mr. Lukabu Khabouji N'Za, Zaire)

destruction, international terrorism - all of which are to lead to a genuine and permanent cease-fire, are essential unifying elements for the establishment of this peace to which we all earnestly aspire.

With regard to boundaries, Zaire acknowledges that the crisis which broke out in the night of 2 August 1990 between Iraq and Kuwait was primarily caused by border disputes between the two fraternal countries. As a full-fledged member of the Organization of African Unity (OAU), which enshrined the principle of inviolability of borders in its Charter, Zaire believes that strict compliance with this principle would spare us potential conflicts and would ensure stability among neighbouring States. One can easily understand why we value this so highly. Zaire, which shares its borders with nine other countries, could not tolerate a situation whereby this taboo in Africa would be violated elsewhere.

The draft resolution, which acknowledges the importance of negotiations to be undertaken between Iraq and Kuwait regarding the demarcation of the boundary, adds a key element designed to preserve the future: the Council is asked to safeguard the inviolability of that border. And we unreservedly support those provisions.

As to the withdrawal of troops, Zaire, which, at the beginning of this crisis, had stated that it wished to see Iraq comply with its obligations and that it, in turn, as a member of the Council was committed to do its utmost to see to it that the troops were withdrawn from the region, is pleased that the draft resolution advocates the deployment of a United Nations observer unit, which would enable those troops still in the region to withdraw.

Regarding sanctions, my delegation's major concern was to see to it that the civilian population obtained adequate, regular supplies of foodstuffs, medicines and other health products. As these concerns have been met in the decision of the

(Mr. Lukabu Khabouji N'Zaji, Zaire)

Committee established under resolution 661 (1990), my delegation agrees with the provisions in the draft resolution that is before us.

As to compensation, it is only fair, after a crisis which was not provoked by Kuwait, whose territory was occupied, whose population was displaced and subjected to the cruellest torture and whose economy and environment were destroyed, that Iraq, the aggressor, bear responsibility for its acts and pay for them. This is why we believe that the machinery set up will ensure that the system functions harmoniously and impartially, for it has been placed under the guidance of the Secretary-General.

With regard to weapons of mass destruction, Zaire believes that the countries of the region should work together in order to set up a collective security system. However, bearing in mind the dangers inherent in the weapons of mass destruction accumulated in Iraq and inherent in their abuse, it would be appropriate that steps be taken with a view to their elimination.

As to the cease-fire, Zaire welcomes the fact that the long-awaited stage has finally arrived. Indeed, since the end of the military operations conducted by the countries cooperating with Kuwait, Zaire was waiting for us to reach this decisive cease-fire stage. Today, the draft resolution that we are considering offers us the opportunity of welcoming the establishment of a permanent cease-fire, and we hope that Iraq will comply quickly with its obligations in order to bring this stage closer.

Zaire, whose policy of defending the weak has not changed since 2 August 1990, wishes to reaffirm this policy by stating that in view of all of these elements, which have met with the approval of my country's higher authorities, and in order to show our sympathy for the people and leadership of free Kuwait, Zaire has

(Mr. Lukabu Khabouji N'Zaji, Zaire)

decided to become a sponsor of the draft resolution that is before us. Therefore, we shall vote in favour of it.

An extraordinary situation requires an extraordinary proposal, and my delegation proposes that the Security Council agree that the draft which in a few moments is to become a resolution - the longest and the most complex the Security Council has ever adopted - be sent by the Secretary-General to the world book of records so as to be recorded in it.

I should like to congratulate and thank the Secretary-General and his two assistants who went to the region and drafted reports whose usefulness has been acknowledged by all.

Mr. ZENENGA (Zimbabwe): It is the privilege of the Zimbabwe delegation to congratulate you, Sir, upon your assumption of the presidency of the Security Council for this month. We have not the slightest doubt that the Council will find in you the wise and effective leadership that it needs as it continues to be seized of a very difficult agenda. We are also delighted to express our sincere appreciation to your predecessor, His Excellency Mr. Peter Hohenfellner of Austria, for conducting the Council's affairs with extraordinary skill and impartiality during the month of March. My delegation is also happy to extend a warm welcome to the Permanent Representative of Côte d'Ivoire, His Excellency Mr. Jean-Jacques Bechio. We look forward to working in close cooperation with him.

The Security Council will shortly be taking action on a draft resolution whose major objective is to formalize the cease-fire between Iraq and Kuwait and the Member States cooperating with Kuwait. The draft resolution addresses very complex and extremely delicate issues. It contains decisions which will define some important aspects of the future of the Persian Gulf area and the Middle East region as a whole.

Zimbabwe holds the view that the actions taken by the Council, and indeed by the entire international community, since 2 August regarding the crisis in the Persian Gulf have constituted a justified response to a unique situation created by the invasion and illegal occupation of Kuwait by Iraq. It is in this same light that we interpret the several unprecedented decisions which the Council is about to take in adopting the draft resolution before us.

It is Zimbabwe's understanding that the measures contained in the draft resolution are intended to address some of the major issues that led to the conflict between Iraq and Kuwait. We also understand that some of the provisions in the document, which ordinarily would have caused us enormous discomfort, are

(Mr. Zenenga, Zimbabwe)

designed to ensure that there will be no recurrence of the tragedy that was visited upon Kuwait last August. We have also noted that in the implementation of some of the measures contained in the document the requirements of the people of Iraq, as well as the needs of the Iraqi economy, will be taken into account.

Zimbabwe believes that the objective of establishing in the Middle East a zone free from weapons of mass destruction as well as the objective of a global ban on chemical weapons, which the present draft resolution has addressed, can contribute to durable stability and security in the region. However, we have misgivings regarding whether the approach suggested in the document before us constitutes the best way to achieve those objectives. We would therefore have preferred to have the measures specified in section C of the draft resolution applied within the framework of the whole region.

It was also my delegation's expectation that, in keeping with the commitment it expressed in the presidential statement issued on 3 March regarding the humanitarian aspects of the situation in Iraq, the Council would, through the present draft resolution, proceed beyond the recent decision taken by the Committee established under resolution 661 (1990) and lift all remaining restrictions on the supply of foodstuffs and essential civilian needs to Iraq. Zimbabwe believes this to be the appropriate response to the report of the Secretary-General contained in document S/22366.

Lastly, Zimbabwe's understanding of operative paragraph 32 of the draft resolution is that nothing contained in that paragraph refers to or applies to the struggles of peoples under occupation who are struggling for self-determination.

The PRESIDENT (interpretation from French): I thank the representative of Zimbabwe for his kind words addressed to me.

Mr. ALARCON de QUESADA (Cuba) (interpretation from Spanish): Permit me first, Sir, to tell you how pleased my delegation is to see you presiding over the Council's proceedings this month. In the short period of your mandate so far we have been given evidence of your diplomatic talents, your courtesy and your sense of justice in conducting our work.

I wish also to take this opportunity - now that he is no longer carrying out his functions - to express our appreciation to our colleague from Austria for the exemplary manner in which he presided over the Council last month.

I also have the pleasure of welcoming the new Permanent Representative of Côte d'Ivoire, to whom we wish every success in the discharge of his responsibilities.

The Security Council has before it a draft resolution which will be remembered for more than one reason - perhaps because, as has been suggested, it may be included in a certain book, or because, although the text before us bears a different date, it will be regarded, for several reasons, as the resolution of 1 April.

In dealing with a regrettable conflict, the Council has sometimes shown particular concern to give evidence of its good memory. More than once it has recalled, as it does again in the text before us, all its relevant previous resolutions, one after the other, or has reaffirmed them. The Council has also on more than one occasion shown that it can have a very short memory.

We have said on other occasions that our delegation opposes the use of this body for the ends and purposes of one State, and, furthermore, its use in a way in which the Council quite simply has no right to be used.

(Mr. Alarcon de Quesada, Cuba)

The Security Council is a powerful body because the Member States of the Organization agreed to give it particular responsibilities, which were enshrined in the Charter. But the Council totally lacks the legal, political or moral authority to reinterpret the Charter whenever that may suit one of its members in order to recall certain fundamental principles and ignore others when that is found more convenient.

(Mr. Alarcon de Quesada, Cuba)

But the Security Council uses its memory in such a peculiar way that it does not remember very well its own texts - although it always starts every discussion of other texts by recalling those previous texts.

In the text now before us, my delegation finds a number of reasons making it absolutely impossible to accept it. On the one hand, it is claimed that this body will assume - so far as I know, for the first time - certain functions with regard to international boundaries, between two Member States. May I say in passing that, in so doing, the Council begins by changing the text of the first of the resolutions which it takes the trouble to recall here. Resolution 660 (1990) obviously established a different approach, an approach much more in keeping with doctrine and international practice than the one the Council now wishes to impose.

My delegation believes that international boundaries should be respected. We believe that the Security Council has the obligation to ensure that those boundaries are not violated. But the Security Council totally lacks the authority to demand respect for certain border lines, or to demarcate them, or to determine in what part of what region of the world those boundaries are violable, boundaries in respect to which it proclaims the determination to shoulder special responsibility.

In the future it will no doubt be recalled that the Council is curiously selective. For more than one of us will remember that the conflict we have been discussing for so many months has taken place in a part of the world where there has been and continues to be more than one conflict very closely related to the fact that for some the boundaries do not exist, or are moveable, or are adjustable. And old maps are not always recalled, maps that clearly showed the extent of this entity - which some do not wish to remember - called Palestine. We are not always willing to recall that the Security Council has also shouldered

(Mr. Alarcon de Quesada, Cuba)

concrete responsibilities with respect to those international boundaries that delimit the area of the State of Israel and of the Republic of Lebanon.

I have mentioned only two examples (as we all know, there are others) of situations in which the Security Council, for the sake of decorum, if nothing else - while affirming, as it does in operative paragraph 4 of the draft resolution which the Council is surely going to adopt, its decision to "guarantee the inviolability" of the boundary mentioned in the text (and this draft resolution, after all, was born on the 1st of April) - at least showed a willingness or a determination to ensure respect for the other international boundaries that also appear in the maps of the region.

The text before us contains other examples of selectivity. One is to be found in the part of the draft resolution dealing in regard to Iraq with the destruction or elimination of weapons of mass destruction.

In the spirit of the 1st of April, the authors of the draft resolution close this chapter of this long draft resolution with a paragraph - paragraph 14 - under which the actions to be taken by Iraq in conformity with paragraphs 8, 9, 10, 11, 12 and 13 are described as "unconditional". This text thought up on the 1st of April thus is intended to indicate that these measures that Iraq is to adopt unconditionally constitute a step towards the goal of establishing in the Middle East a zone free of weapons of mass destruction and all missiles for the delivery of such weapons, and thereby ensuring a comprehensive ban on chemical weapons.

History will show us how much of a joke this is; it will show us what the Security Council is really prepared to do in order to ensure that what, in our view, is a legitimate goal - the prohibition and elimination of this type of weaponry - is not used selectively in order to impose it unilaterally on one State, when everybody knows that in the very same region there is a State without

(Mr. Alarcon de Quesada, Cuba)

boundaries, or with moveable boundaries, which possesses, manufactures, develops and conducts research on that type of weaponry; and when, furthermore, we know that there is a State that has used force against its neighbours and for many years has been oppressing an entire people: the Palestinian people.

The draft resolution before us still refuses to recognize the reality behind the development of the conflict we have been considering since August. It still does not categorically and explicitly declare what, in my delegation's opinion, the Security Council should have declared quite some time ago - that is, the final cessation of hostilities in the region and the immediate withdrawal of the foreign troops, in particular those which, without any right or justification, continue to occupy a part of Iraqi territory.

We cannot agree to any understanding that there are bad military occupations and good military occupations, that some have the right or the moral authority to send their troops wherever they wish, without having been authorized to do so by anyone; or, furthermore, that those troops can be used as a means of pressure, intimidation and interference in order to achieve other ends.

The Security Council has also for quite some time had the obligation of eliminating all economic sanctions imposed against Iraq, because these sanctions were established on the basis of certain conditions that have ceased to exist.

(Mr. Alarcon de Quesada, Cuba)

The Council has persistently ignored the fact that the economic sanctions were established in order to ensure compliance with one paragraph of resolution 660 (1990), which called for the unconditional withdrawal of Iraqi troops from the territory of Kuwait. Now, the Council will disregard another operative paragraph of that resolution which calls for negotiations between Iraq and Kuwait to resolve their differences. I hope that when the first preambular paragraphs of resolutions brought before the Council in future are drafted, the authors will be prudent enough no longer to recall resolution 660 (1990), which for all practical purposes is not realistically accepted in the Council, since we are maintaining the sanctions after one of their objectives has been met and are now reformulating the goal stated in another of its paragraphs. That resolution, which was the basis of the Council's action, will, in actual fact, die at the very moment that the resolution of 1 April comes to life.

But the question of sanctions is one in which we can also see quite clearly the peculiar way in which the Council uses or decides not to use its good memory. The Council tries to ignore the fact that the continuation of those sanctions, imposed rightly or wrongly, is doing great harm to the people of Iraq. The draft resolution ignores something of which the Council is aware - the report of the World Health Organization that was submitted to us by the Secretary-General as a result of the mission carried out by Mr. Martti Ahtisaari. It may be recalled that it was stated in that report that the Council would be called upon to act immediately. And what has the Council done immediately? It has disregarded what that report described in very dramatic terms. This afternoon it will continue and confirm a sanctions regime that is not only unjustified but also the cause of the ongoing problems and suffering of the Iraqi people.

(Mr. Alarcon de Quesada, Cuba)

But in addition to that, there is also disregard of the fact that the Security Council bears responsibilities - particularly moral ones - towards those States that are suffering adverse consequences as a result of the ongoing sanctions. It would be very difficult for the Council not to remember that fact, because it has had before it for several days now a communication from representatives of 21 Member States, three of which are members of this Council. The communication reminds us that their countries are facing serious consequences as a result of the maintenance of the economic sanctions, which those States, like all others, are observing. At the end of the communication, sent to us by three colleagues on the Council and 18 non-members, it is said that the Security Council should renew its attention to those problems with a view to arriving at prompt and effective solutions.

They achieved their objective. The Security Council is meeting some 10 days later and saying to the peoples of Iraq and other States that the economic sanctions will continue and that a complex mechanism will come into play. Frankly, I have abandoned trying to understand clearly how that mechanism is going to work - every 30 days, every 60 days, every 120 days or regularly, the Council will continue to look into the operation of the very complex mechanism of various kinds of sanctions that it has deemed advisable to establish.

But we now have a draft resolution that is sufficiently sensitive and responsive not to the claims, suffering and anguish of the people of Iraq or of dozens of States that are suffering the very serious consequences of observing the Council's sanctions, but to the payment of reparations to national Governments and foreign companies. This was clearly seen after the fruitless negotiations carried out by the non-aligned countries with some of the sponsors of this draft resolution. It means that there will be no recognition of an obligation which we

(Mr. Alarcon de Quesada, Cuba)

consider legitimate - that Kuwait should be fully compensated for its losses resulting from the occupation and violation.

It will go beyond that. There will be benefit. The Governments and corporations are not mentioned, but it is certainly not only the Government, people and corporations of Kuwait who will benefit. If that had been the intention there would have been no rejection of the non-aligned amendment, although we agreed that the process of reparations or compensation should be enforced with respect to a State that was the victim of a violation of international law. My delegation wishes to state, with all due respect for some foreign corporations, that, frankly, it is not terribly motivated to show towards them the generosity and responsiveness that has been totally absent from the Council when dealing with third-world peoples or innocent civilians, such as the Iraqi people.

There is another aspect that we find delicate with respect to compensation. Since the Charter of our Organization, which is supposedly the mandate circumscribing the actions of the Security Council, nowhere grants any powers to this body to decide or determine with respect to claims of this nature, it could be alleged that a body as powerful as this is able to assume rights and responsibilities in areas not defined by the Charter. But I wonder what could possibly be alleged in this case, when the Charter clearly states that the judicial body of this Organization is the International Court of Justice, and clearly grants the Court and not the Council, in Article 36 (d) of the Court's Statute - which is part of the Charter, as we all know - responsibility for dealing with such issues.

(Mr. Alarcon de Quesada, Cuba)

In the exceptionally long resolution we have before us, members may have noted, and historians in future may note, that no space was found to mention, even once, the International Court of Justice. No doubt, the sponsors know why this was impossible.

The Court, however, is one of the principal organs of this Organization. It has its own powers, the Council has its own powers, the General Assembly has its own powers - and nowhere in the Charter is there any authority whatsoever given to this Council to determine or decide on matters pertaining to compensation or reparations. Moreover, the Charter grants no authority whatsoever to the Council to decide, in the event of disputes or differences, concerning the respective areas of competence of the organs of the Organization. That function was given by the Charter to the General Assembly. Hence if anyone wishes to reinterpret the powers pertaining to each of the various principal organs of the Organization, I believe that in no way can it be inferred, nor can anyone be allowed to think, that by the use or abuse of powers the Council can usurp the place of the General Assembly, the collective body of all the Members of our Organization.

The hour is late; as usual, the Security Council started its meeting with the punctuality which also merits a mention in the book of which our distinguished colleague from Zaire spoke; the reasons for this lack of punctuality are not always either clear or known. Taking into account, though, the fact that it is indeed late, my delegation will not continue commenting on the curious text before us, and will conclude by simply assuring the Council that we will naturally reject it and vote against it.

The PRESIDENT (interpretation from French): I thank the representative of Cuba for his kind words addressed to me.

Mr. GHAREKHAN (India): As we continue our discussions this afternoon, sitting right through the lunch period - appropriately missing our lunch during the month of Ramadan - I should like to begin by extending my warm felicitations to you, Sir, on your assumption of the presidency of the Council during this current month. You and I have had the privilege of working together as colleagues on a previous assignment, and it gives me great pleasure to have this opportunity of working with you once again, particularly now that you are in your present capacity.

I should also like to congratulate my dear friend and colleague Ambassador Peter Hohenfellner on presiding over the Council's work with such great distinction during the month of March.

May I also take this opportunity to convey through you, Mr. President, my warm welcome to my new colleague from Côte d'Ivoire, Ambassador Jean-Jacques Bechio, who has joined the Council at a very interesting time indeed. I counted his distinguished predecessors among my friends, and I hope that I shall have the same privilege with him in the days and weeks to come.

The draft resolution contained in document S/22430 deals with issues which the Security Council has never before been called upon to consider. The authors of the draft have assured us, bilaterally as well as in the course of informal consultations, that they have put together the various elements of the resolution in the full understanding that the international community is dealing with a unique situation of which there has been no parallel since the establishment of the United Nations; hopefully, there will be none in the future. We have been urged to look at the resolution in the light of this uniqueness of the situation.

Throughout the crisis, India's attitude, as I had occasion to state at the time of the vote on resolution 686 (1991), was governed by two basic considerations: to bring about the speediest possible liberation of Kuwait, and to

(Mr. Gharekhan, India)

minimize, to the maximum extent possible, the loss of life and the human suffering in all the countries directly involved in the crisis. The first objective has been accomplished, to the great relief and joy of the Government and the people of India. India's amity with Kuwait and our mutually beneficial exchanges go far back into history. Indian nationals have contributed to and benefited from Kuwait's prosperity and generosity. They also shared Kuwait's burdens and travails.

Liberated Kuwait, though ravaged by Iraqi occupation and war, is now courageously restoring its shattered national structures and institutions. Under-Secretary-General Martti Ahtisaari's report following his visit to Kuwait, document S/22409, speaks of his witnessing "the rebirth of a nation". (S/22409, para. 41) We pay a tribute to Kuwait's determination and the results already achieved, as mentioned in Mr. Ahtisaari's report, in laying the foundations, in the space of a few weeks, for its economic recovery and regrowth. We wish Kuwait all success in its gigantic task of rehabilitation and reconstruction.

Regarding the second consideration, minimizing the loss of human life and minimizing human suffering, whether in Iraq or in Kuwait, we do not have all the facts at our disposal. Mr. Ahtisaari's reports on his visits to Iraq and Kuwait, however, seem to have established fairly conclusive evidence to support the view that the loss, suffering and destruction have indeed been extremely widespread and indiscriminate.

Ever since the termination of the armed hostilities, my delegation has been preoccupied with lifting the embargo on the supply of humanitarian needs to the people of both Iraq and Kuwait. As is known to members of the Council, and indeed to others, my delegation had taken the initiative, in which we were joined

(Mr. Gharekhan, India)

by our fellow non-aligned members, to prepare a draft resolution whereby the Council would lift sanctions on supplies of foodstuffs and other essential commodities in respect of both countries. It was largely because of the efforts of the non-aligned delegations that the Council took action in devising a much-simplified procedure to meet these humanitarian needs.

(Mr. Gharekhan, India)

Under-Secretary-General Ahtisaari has stated in his report on Kuwait that thanks to its stupendous efforts Kuwait no longer needs humanitarian assistance in the traditional sense. But the people of Iraq, who have been pushed back to the pre-industrial age, to use Mr. Ahtisaari's words, do deserve urgent consideration. I am not referring to military supplies. What I have in mind are provisions which would enable the people of Iraq to get on with their lives and to put behind them the nightmare through which they have lived.

The least that the Council can and should do is formally to lift the sanctions against the supply of all the commodities listed in the Ahtisaari report. It is not necessary, in our view, any longer to insist on even the simplified procedures of notification and no objection. In this respect, although the paragraphs concerned in the draft resolution have been somewhat improved as a result of my delegation's and other delegations' efforts, more could and should have been done. My delegation will in the weeks ahead continue to press on this point.

But, as has been said, the human being does not live by bread alone. In this connection I should like to refer to operative paragraph 19 of the draft resolution. My delegation expects that the Secretary-General, in taking into account the requirements of the people of Iraq, would also bear in mind the requirements of the country to begin the recovery of its shattered economy. This would enable the people of Iraq to work for and look forward to a decent life and to contribute towards Iraq's capacity to meet its future obligations.

My delegation firmly believes that all non-military sanctions against Iraq should also be lifted as soon as Iraq conveys acceptance of the present draft resolution. As regards military sanctions, we are glad that the sponsors have introduced an element of review, which was missing from the earlier version of the draft.

(Mr. Gharekhan, India)

Now that the war is behind us, the Security Council is called upon to lay down a framework and institute measures that, according to the sponsors of the draft, will lead to a durable peace and stability in the Middle East. It goes without saying that India wholeheartedly supports the objective of a comprehensive, just and lasting peace in this much-troubled and conflict-ridden region of the world. My delegation is not convinced that the implementation of the provisions of the draft resolution will, by itself, create the necessary conditions or atmosphere for solving the basic conflicts and contradictions of the region. We believe that there is strength in the conventional wisdom that the region will not enjoy lasting peace and stability until the complex of issues dividing the Arabs and the Israelis, the Palestinians and the Israelis, are resolved in a just and mutually satisfactory manner. In my delegation's view the consideration of these issues must not be delayed any longer.

India has consistently held that regional initiatives or arrangements for peace and stability deserve all encouragement, provided they are arrived at by the free and sovereign will of the countries of the region as part of a genuinely cooperative effort. Such arrangements cannot be imposed by external pressure nor can they be lasting if they are of a discriminatory nature taken in the global context. It is also not legitimate to make such arrangements under the mandatory provisions of Chapter VII of the Charter. As already pointed out, such arrangements have to evolve through negotiations based on the exercise of the free and sovereign will of the countries of the region. The international community, acting under the United Nations Charter, can at best encourage, acknowledge and, if requested by the countries concerned, take appropriate action to impart legitimacy to them.

(Mr. Gharekhan, India)

Regarding the provisions in the draft resolution relating to the international boundary, my delegation has studied them with the utmost care and scrutiny. It goes without saying that my delegation will never support any decision whereby the Council would impose arbitrarily a boundary line between two countries. Boundaries are an extremely sensitive issue and must be settled by the countries freely in the exercise of their sovereignty. Any other course would only lay the groundwork for potential trouble in future. In this particular case we find that the boundary between Iraq and Kuwait was agreed upon by the highest authorities of the respective countries as two fully independent and sovereign States. Furthermore, they both took the precaution to register their agreement with the United Nations. Thus, the Council is not engaging itself in establishing any new boundary between Iraq and Kuwait. What it is doing is to recognize that such a boundary, agreed to by the two countries in the exercise of their full sovereignty, exists and to call upon them to respect its inviolability.

As regards operative paragraph 4 of the draft resolution, it is India's understanding that it does not confer authority on any country to take a unilateral action under any of the previous resolutions of the Security Council. Rather, the sponsors have explained to us that in case of any threat or actual violation of the boundary in future the Security Council will meet to take, as appropriate, all necessary measures in accordance with the Charter.

During the past 8 months the Council has adopted numerous resolutions under Chapter VII of the Charter to deal with an emergency of an exceptional nature. Some of the resolutions have been more fundamental than others in terms of their historic and precedent-setting character. Resolutions 678 (1990) and 686 (1991) obviously fall into that category. In addition, resolution 686 (1991), on which my delegation had abstained, suffered from a serious drawback in that it was

(Mr. Gharekhan, India)

open-ended regarding the establishment of a permanent cease-fire. My delegation has always advocated that the institution of a formal cease-fire must not be made contingent upon implementation of open-ended conditions indefinite in terms of time-bound implementation. In fact, we have consistently attached great importance to and called for the promulgation of a definitive, formal cease-fire so that the people of Iraq - as, indeed, the international community in general - can get going with normal life and State-to-State relations. We therefore welcome that a formal cease-fire will become effective upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions of the draft resolution. That is a noteworthy improvement on resolution 686 (1991).

From the beginning my delegation has emphasized that the United Nations and the Secretary-General should have a role in the post-crisis situation in the region. We note and welcome the fact that the United Nations, although belatedly, is now being called upon to send an observer unit to monitor the border between Iraq and Kuwait. We would have preferred to have a United Nations contingent also deployed between the Iraqi troops and the forces of countries cooperating with the Government of Kuwait under resolution 678 (1990). However, we note that it is the intention of those countries to withdraw their forces once the United Nations observer unit is deployed along the Iraqi-Kuwait border.

My delegation had extended consultations with the sponsors of the draft resolutions, both bilaterally and along with our non-aligned colleagues. We were able to persuade the sponsors to accept some of our ideas, which have been incorporated in the final text. My delegation's position on the draft resolution will be governed by these considerations.

The PRESIDENT (interpretation from French): I thank the representative of India for his kind words addressed to me.

Mr. BECHIO (Côte d'Ivoire) (interpretation from French): I should like first of all to say how deeply moved I am by the kindness which has been shown me since I became a member of the Council.

I should like also to thank you, Mr. President, and the other Ambassadors for the expressions of welcome addressed to me. I am prepared to make my modest contribution to the work of this distinguished body and to cooperate frankly and amicably with all delegations here present.

Allow me to avail myself of this opportunity to convey my delegation's congratulations to you, Sir, on the skilful manner in which you are conducting our work. These congratulations also go to your predecessor, the Ambassador of Austria, for the remarkable results our Council achieved under his presidency last month.

My Government is gratified to see Kuwait recover its rights, its sovereignty and its territorial integrity. Through me, my Government wishes to convey to the people and the Government of Kuwait its very best wishes for prosperity and peace.

Peace for Côte d'Ivoire is virtually a religion. We therefore unreservedly support all initiatives leading to a just and lasting peace in the Gulf region.

Throughout this crisis Côte d'Ivoire would have wished war to be avoided. Unfortunately, we had to wage war. The Council was obliged to ensure that law would prevail. It now remains for the Council to ensure that peace will prevail throughout the region. The draft resolution before us contains positive elements leading, we believe, to the achievement of these objectives.

For all those reasons, my delegation will vote in favour of the draft resolution, which establishes the framework for a final settlement of this crisis.

The PRESIDENT (interpretation from French): I thank the representative of Côte d'Ivoire for the kind words he addressed to me.

Since no other member of the Council wishes to speak at this stage, I shall now put to the vote the draft resolution contained in document S/22430, as orally revised.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe

Against: Cuba

Abstaining: Ecuador and Yemen

The PRESIDENT (interpretation from French): The result of the voting is as follows: 12 votes in favour, 1 against and 2 abstentions. The draft resolution has thus been adopted as resolution 687 (1991).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. PICKERING (United States of America): I want first of all to congratulate you, Sir, on your assumption of the Council's presidency and to extend to you our best wishes and also to extend our warm thanks to your predecessor for his excellent work during the past month.

I want as well to welcome to the Council Ambassador Jean-Jacques Bechio of the Côte d'Ivoire, who is joining us here today for his first formal meeting.

The Council has just acted on one of the most important proposals ever placed before it. This resolution is unique and historic. It fulfils the hope of mankind to make the United Nations an instrument of peace and stability. The text before the Council is comprehensive. It has its own internal logic and coherence. It

(Mr. Pickering, United States)

endeavours to get at the core problems which led us into the Gulf crisis, and it shows us what must be done to lead us out. The resolution lays the groundwork for the permanent cease-fire which all parties desire and for the withdrawal of coalition forces from Iraqi territory. It relies heavily on the Secretary-General and the United Nations for its implementation in an unprecedented elaboration of the role of the United Nations in peace-keeping and peace-making, and it establishes clear incentives for rapid implementation and tradeoffs which will in stages produce a return to normalcy and non-belligerency in the Gulf.

As soon as Iraq accepts the provisions of the resolution a formal cease-fire becomes effective, and as Iraq meets the stipulations of the resolution the sanctions regime will be modified, the role of the Secretary-General in overseeing the return to normal relations will be solidified, the coalition forces will be withdrawn, and the mechanisms for implementing the resolution will be put into place.

The involvement of the Secretary-General and the United Nations is central to our approach. We believe this as essential to restoring peace as it was to the defeat of aggression. The Secretary-General and the United Nations are involved in the demarcation of the Iraq-Kuwait border, the deployment of observers, the activation of a special commission to oversee the elimination of weapons of mass destruction, the creation of a compensation regime, the return of Kuwaiti property and the control of arms sales to Iraq.

This is a time of testing for the United Nations and a time of destiny as well. The international community acted through the United Nations to bring an end to aggression and lawlessness. It must now act as well to restore international peace and security.

(Mr. Pickering, United States)

This resolution is tough, but it is fair. It is fair because it sets out the path by which Iraq can take its place again in the world community. We desire to see that happen with an Iraq which is protected from dismemberment.

Positive steps and attempts to compensate for the damage that has been done will be rewarded and the bitter experience of the past eight months will not be repeated. The unusually long preamble to the resolution outlines the context for Council action and now we begin to put the Gulf war behind us. The resolution focuses on the bases for restoration of peace and security to the region. Foremost among these is respect for the border. The Council notes that Iraq and Kuwait signed Agreed Minutes in 1963 regarding their mutual border. Kuwait registered this Agreement with the United Nations in accordance with Article 102 of the Charter and it was published in the United Nations Treaty Series.

(Mr. Pickering, United States)

Iraq never protested the Agreement or its registration with the United Nations. But in August 1990 Iraq invaded, occupied and attempted to annex Kuwait. Through the Council, the international community has rejected Iraq's actions. And through the Council, the international community has ejected Iraq from Kuwait. Our task now, consistent with our responsibilities under Chapter VII, is to establish peace in such a way that Iraq never again threatens Kuwait's sovereignty and integrity. For that reason, the resolution demands that Iraq and Kuwait respect their international boundary as it was agreed upon in 1963, asks the Secretary-General to lend his assistance to make arrangements with Kuwait and Iraq to demarcate the boundary and decides to guarantee the inviolability of that boundary.

The circumstances that are before us are unique in the history of the United Nations, and this resolution is tailored exclusively to these circumstances. By this action, the Security Council has only acted to restore international peace in a case where one State violated another's boundary and attempted to destroy that State's very existence by force. Certainly, the United States does not seek, nor will it support, a new role for the Security Council as the body that determines international boundaries. Border disputes are issues to be negotiated directly between States or resolved through other pacific means of settlement available, as set out in Chapter VII of the Charter.

Next, the resolution creates a demilitarized zone and calls for the immediate deployment of an observer force. Its purpose is to deter threats to peace through its very presence astride the Iraq-Kuwait border. And the deployment of observers is one of the necessary conditions if the end of the coalition's presence in Iraq is not to court new dangers.

The next problem is that of weapons of mass destruction - chemical, biological and nuclear - and the missiles with which to deliver them. We have taken

(Mr. Pickering, United States)

extraordinary care in these sections of the resolution to be precise and thorough, as required by the extraordinary circumstances of Iraq's past use of and the threats to use or develop such weapons. The region simply cannot be secure if these weapons remain at the disposal of Iraq. And so, the Council, in this resolution, decides on their elimination in Iraq. We ask the Secretary-General and a Special Commission to plan for and destroy Iraq's chemical and biological weapons and ballistic missiles.

Another section provides for the establishment of coordination between the Secretary-General and the Special Commission and the International Atomic Energy Agency (IAEA) to deal with Iraq's evident clandestine programme to acquire nuclear weapons. The resolution breaks further new ground in requiring Iraq to forswear future efforts to develop such weapons and in establishing a mechanism for international monitoring of Iraq's compliance with these provisions.

Finally, the text makes clear that this attempt by the international community to deal with the unique problem posed by Iraq takes place in a larger, regional context.

The Council is taking other major steps in the area of liability for damage and compensation. The resolution establishes a process of settlement by which all who have suffered direct damage or injury as a result of the illegal Iraqi aggression can claim and receive compensation. It creates a Fund to pay compensation for future claims and a Commission to administer that Fund. The Secretary-General will have a key role in bringing this process into being and will make recommendations to the Council. The Fund will be supported by Iraq's contribution of a certain percentage of its oil revenues, and it is our suggestion that the Fund in turn pay the costs of administering the compensation programme so that it is self-supporting. While no fund will be large enough to handle all the

(Mr. Pickering, United States)

claims against Iraq, this standing mechanism should at least provide the international community a recourse which is financed by Iraq without, as is the Council's clear intent, placing an unbearable burden on Iraq's economy.

Then we come to the question of sanctions. The resolution creates a dynamic and flexible process which links the removal of sanctions to the implementation of the resolution. This is the incentive to implement fully the resolution as soon as possible. Sanctions relating to foodstuffs and supplies for essential civilian needs are lifted at once, subject to certain procedural arrangements. Upon implementation of the provisions dealing with weapons of mass destruction and the compensation regime, the sanctions against Iraq's exports will also be lifted. In the interim, in order to generate financial resources to ensure support of the civilian population, the sanctions Committee is authorized, when necessary, to grant exceptions to the sanctions against Iraqi exports. And the Council will review the sanctions on exports to Iraq every 60 days, in the light of Iraq's policies and implementation of this and preceding resolutions of the Council. Of course, the appropriate committees and States will continue to enforce the sanctions regime as long as any of its parts remains in place. Sales related to chemical, biological and nuclear weapons development and missiles are banned permanently. In the specific case of conventional arms sales to Iraq, a different approach is taken. All aspects of military sales to Iraq will continue to be prohibited, and the Secretary-General will develop implementation guidelines for encouraging implementation. This ban on conventional weapons will be reviewed 120 days after passage and regularly thereafter in the light of Iraq's compliance with this resolution and general progress towards arm control in the region.

In addition to these major innovations, the resolution also provides for the continuation of the return of Kuwaiti property, to which Iraq is committed. It

(Mr. Pickering, United States)

rejects any Iraqi claims for non-performance of contracts due to the crisis that Iraq itself created and reconfirms Iraq's responsibility to repatriate and account for all Kuwait and third country nationals in cooperation with the International Committee of the Red Cross. As a result of Iraq's unprecedented taking of hostages and its open threats to use terrorism in the recent conflict, the resolution requires a commitment from Iraq that it will not in the future commit or support acts of terrorism or terrorist organizations. Upon Iraq's agreement to the terms of the resolution, a formal cease-fire enters into effect, which will make possible the withdrawal of coalition forces from Iraq. Following deployment of the United Nations observers, coalition forces will withdraw from Iraq as rapidly as possible, consistent with operational requirements and logistic considerations. As the processes created by the resolution come into being, we are prepared to work closely with the Secretary-General and other interested parties. In order to facilitate its work, we propose to play an active role in the Special Commission where we and other members of the five permanent members of this body have necessary expertise, which we can make available to it.

(Mr. Pickering, United States)

We are again today turning a new page in the Council's affairs. This resolution to establish peace and security in the region has no precedent, for the circumstances it addresses are without precedent in the history of the United Nations. Troops have gone into battle before under the United Nations Charter, but the United Nations has never before taken measures to rebuild the peace such as those contained in this historic resolution.

The resolution does not answer every question, but it points the way. Iraq's active participation is essential for this approach to work. It is our hope that the people of Iraq will insist on putting the disaster which their leaders have created behind them and will join with the rest of the international community in building a foundation for lasting peace and security. This means repudiation of the policies of the past and a genuine commitment to the principles of the United Nations Charter, which Saddam Hussein has heretofore acknowledged more through violation than through commitment.

If the people of Iraq will work with us as stability in the Gulf region returns and military tensions recede the international community can turn to assisting with the reconstruction of Iraq as well as of Kuwait, and as the process we are launching today goes forward my Government will exploit whatever opportunities there may be for unblocking progress on the resolution of other problems in the region, including Arab-Israeli issues.

We have opportunities before us now in the Gulf and in the Middle East which my Government is determined not to waste.

The PRESIDENT (interpretation from French): I thank the representative of the United States for his kind words addressed to me.

Mr. ROCHEREAU DE LA SABLIERE (France) (interpretation from French): May I first congratulate you, Sir, on your accession to the presidency of the Council and say how much we appreciated the way in which Ambassador Hohenfellner presided over our work last month.

I am sure I shall also be allowed to welcome the Ambassador of Côte d'Ivoire, Mr. Jean-Jacques Bechio. We are very pleased to welcome him and wish him the very best for the success of his mission.

A month ago France welcomed the adoption of resolution 686 (1991), because it paved the way for a cease-fire. My delegation then favoured the United Nations immediately undertaking the task of consolidating the end of hostilities in a durable manner.

The resolution that we have just adopted, of which we were a sponsor, is designed to attain that objective. Its purpose is to establish a proper cease-fire between Iraq and Kuwait as well as the States Members cooperating with Kuwait in the implementation of resolution 678 (1990). It also sets forth conditions for the withdrawal from Iraqi territory of the forces of the States cooperating with Kuwait.

But, over and above the objective of the cease-fire, which will make it possible for a decisive step to be taken in resolving the Gulf conflict, resolution 687 (1991) also provides important elements which should contribute in the longer term to re-establishing regional security.

In that regard a number of provisions are fundamental: Here I mention first the guarantee of the inviolability of the international boundary between Kuwait and Iraq and the deployment there of a United Nations observer unit. I would also mention the disarmament measures with regard to Iraq, and particularly the reaffirmation of the prohibition of the use of asphyxiating, poisonous or other

(Mr. Rochereau de La Sabliere, France)

gases, and of bacteriological methods of warfare, and the need for the destruction of existing stocks.

France has been very insistent that the prohibition on Iraq's possessing biological or chemical weapons and all the arms restriction measures concerning it should be seen in the perspective of regional measures universally approved by the international community. Nevertheless, we agree that under present circumstances their application should be confined in the immediate future to the case of Iraq. Nevertheless, the global and regional scope of our objective is clearly brought out by the resolution, which reflects France's position on this essential point.

The resolution reaffirms Iraq's responsibility under international law for the losses and damages of all kinds resulting from its aggression against Kuwait. In this connection, it provides for setting up machinery for the payment of claims. The principle of reparations was first set out in resolution 674 (1990). In particular, Mr. Ahtisaari's report gave us details about the damage to Kuwait - notably its oil industry. It is only fair that such losses should be properly compensated for by reparations.

The Secretary-General and the United Nations bear heavy responsibilities in the three areas that I have mentioned - the border, disarmament and reparations. The provisions made in that regard respond to our desire to see our Organization play an important role in re-establishing peace in the region.

In the immediate future, the public health and food situation in Iraq demands that everything be done to enable its population, throughout the territory, to return to conditions of normal life. France is gravely concerned about the plight of the civilian population.

(Mr. Rochereau de La Sabliere, France)

A number of United Nations missions, particularly that headed by Mr. Ahtisaari, have revealed the extent of the tragic situation. Unfortunately, the civilian population is not only suffering from the serious material difficulties that the Under-Secretary-General described, but is the victim of unjustifiable violence in both the south and the north, where the inhabitants of Kurdish origin have once again, tragically, been attacked. We believe that the Security Council has a duty to say something about this situation.

The necessary goal of the restoration of lasting peace in the Gulf should not involve measures that are unnecessarily punitive or vindictive against the Iraqi people. It would be unjust if they were held responsible for the actions of their leaders.

That is why the resolution we have just adopted lifts with immediate effect - subject to notification - all the prohibitions set forth in resolution 661 (1990) regarding the sale or supply to Iraq of foodstuffs, as well as related financial transactions. At the same time, it eases the conditions under which Iraq may import essential supplies.

That is also why the resolution provides for Iraq's being able, with the agreement of the Committee on sanctions, to export certain commodities in order to obtain the necessary resources to finance the purchase of essential supplies.

However, our country is well aware that the return to normal living conditions in Iraq is far from being dependent solely on the lifting of sanctions. Therefore, France appeals to the Iraqi authorities to put an end immediately to repression in all its forms and to enter into an unrestricted dialogue about respect for rights, democratization of public life and the realization of the legitimate aspirations of all sections of the Iraqi people. Inter alia, it is essential that the just claim

(Mr. Rochereau de La Sabliere, France)

of the Kurdish community for respect for its identity within the Iraqi State be fully recognized.

It is now eight months since the Council, in close cooperation with the Secretary-General, fully shouldered its responsibilities with respect to the crisis caused by Iraq's invasion of Kuwait. The momentum should be maintained, as should be our determination to defend the law, a determination that should be applied to settling other conflicts in the Near and Middle East.

The PRESIDENT (interpretation from French): I thank the representative of France for his kind words addressed to me.

Mr. LI Daoyu (China) (interpretation from Chinese): It gives me great pleasure at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council at this important juncture and to wish you success in your work. I should also like to express my heartfelt thanks to His Excellency Mr. Hohenfellner, Ambassador of Austria, for the exemplary manner in which he guided the work of the Security Council last month. I also wish to extend my warm welcome to Ambassador Jean-Jacques Bechio, Permanent Representative of Côte d'Ivoire to the United Nations.

(Mr. Li Daoyu, China)

More than one month has elapsed since the suspension of hostilities in the Gulf region. The international community and especially countries and peoples in that region ardently hope to see the early realization of a formal cease-fire and the withdrawal of foreign military forces so as to create conditions for restoring peace and security in the region, healing the wounds of war in Kuwait and other countries and rebuilding their national economy.

The Chinese delegation, in keeping with its consistent position of opposing the Iraqi invasion and standing for a peaceful settlement of the Gulf crisis, supports the Security Council in its adoption of a resolution on a formal cease-fire. In this regard, China adheres to the following principles:

First, we stand for early realization of a formal cease-fire, the deployment of a United Nations observer unit along the boundary between Kuwait and Iraq and the withdrawal of foreign military forces from the Gulf region, with a view to restoring peace and stability in the region.

Second, on the boundary question, China has always held that the countries concerned should reach agreement and settle the question through negotiations and consultations in accordance with international law. Hence, we respect the agreement on the boundary question reached by Kuwait and Iraq in 1963 through negotiations. In our view, the Agreed Minutes, long ago registered with the United Nations, constitute an effective and legal document.

Third, we are in favour of destroying the Iraqi biological and chemical weapons, and we maintain that the balanced-and-comprehensive principle should be pursued in the control of armament in the Middle East region. We support the goal of establishing a zone free from weapons of mass destruction in the Middle East.

Fourth, the Iraqi invasion has inflicted enormous losses on Kuwait. Victims from Kuwait and other countries are entitled to get compensation from Iraq.

(Mr. Li Daoyu, China)

However, in actual practice, consideration should be given to the requirements of the people of Iraq and in particular their humanitarian needs, and to Iraq's payment capacity and the needs of Iraqi economic reconstruction.

Fifth, we are in favour of immediate abolition of restrictions on imports into Iraq of foodstuffs and other goods required for the restoration of the people's normal life, and the timely and gradual lifting of other economic sanctions against Iraq in light of the development of the situation.

Sixth, we support Kuwait in its request for immediate release and repatriation of all the Kuwaiti prisoners of war and civilians detained by Iraq.

Since, in the course of consultations on this resolution, a number of amendments proposed by countries concerned, including China, were accepted, and since this resolution will establish a formal cease-fire in the region, we voted in favour of it.

Nevertheless, we cannot but point out that, although the resolution adopted makes it clear that the deployment of a United Nations observer unit will "establish conditions" for the withdrawal of foreign military forces, it fails to provide an explicit timeframe for the withdrawal of foreign military forces. Furthermore, the resolution includes some unnecessary restrictions on the lifting of economic sanctions against Iraq. The Iraqi people are innocent. The Security Council should, in light of the development of the situation, ease and lift economic sanctions as soon as possible, so as to bring the economy of all the countries in the region back to normality at an early date. We also believe that on questions concerning the implementation of the resolution the Security Council should be responsible for handling these matters; and there should be no other interpretation.

(Mr. Li Daoyu, China)

China seeks no self-interest in the Gulf region. We are of the view that the general goal for the post-war arrangements in the Gulf region should be to ensure a lasting peace in the region and peaceful coexistence of peoples of all countries there. Based on this point of view, we maintain that the relevant arrangements should be made mainly by the countries in the Gulf region in conformity with the interests of their peoples, while the sovereignty and territorial integrity of all the countries in the region should be respected and there should be no interference in their internal affairs. We hold that the foregoing principles should be taken into full account in the implementation of this resolution.

The PRESIDENT (interpretation from French): I thank the representative of China for the kind words he addressed to me.

Mr. VORONTSOV (Union of Soviet Socialist Republics) (interpretation from Russian): We congratulate you, Sir, on your assumption of the presidency of the Security Council and wish you all the best. We are also very grateful to your predecessor, the representative of Austria, Ambassador Hohenfellner, for the very considerable work he did when he occupied the post of President in March. These congratulations are necessarily brief because the Security Council is now trying to reduce the amount of time spent on compliments.

I welcome the new representative of Côte d'Ivoire in the Security Council, Ambassador Jean-Jacques Bechio, and wish him every success.

It is commendable that in the elaboration of a sound international legal document in a comparatively short time - in the form of the resolution just adopted - the Security Council, on the basis of successful interaction between the Five and all the members of the Security Council as a whole, has been able to draw a line under one of the most serious regional conflicts of recent times and to promote the process of the establishment of lasting peace and stability in the

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Persian Gulf region, and in the long run in the Middle East as a whole. This is in accordance with the vital interests of the peoples of Kuwait, Iraq and other countries in the region, and also with the task of strengthening peace throughout the world.

The Kuwait crisis and the process of eliminating it were a serious test of the soundness of the new thinking, the new system of international relations. I think we can state with some gratification today that the international community, in the person of the United Nations and its Security Council, has passed that test and demonstrated that a considerable path has been travelled between the cold war and the new system of international relations. The Security Council has proved in practice its ability to implement its obligation under the Charter of the United Nations to maintain and restore international peace and security.

In the resolution adopted today the Security Council has welcomed with satisfaction the restoration of Kuwait's sovereignty, independence and territorial integrity and the return of its legitimate government. It has been possible to achieve this goal because of the unique unanimity demonstrated by the majority of the international community in condemning the aggression, and the resolve to put an end to it within the generally accepted contours of the authority of the United Nations.

The Soviet Union, for its part, did everything in its power to ensure the implementation of the Security Council resolutions by political means. It sought to convince Iraq of the need to heed the will of the international community and not to allow hostilities to escalate to neighbouring countries; and then, when Iraq passed up the opportunity for a peaceful settlement of the conflict, we helped to prevent excessive casualties and destruction. Both during the crisis and in dealing with its aftermath, the Soviet Union has been guided by its fundamental

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approach, the humanitarian purport of which is that peoples should finally be spared suffering and losses in payment for the crimes and ambitions of their rulers.

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The requirements of the resolution adopted are aimed not only at restoring justice but at issuing a serious warning to all those who might be inclined to embark on the path of aggression, occupation and annexation. The international community has finally learned the bitter lesson of the 1930s, when an unchecked aggressor seized one small neighbour after another and plunged the world into general warfare at the cost of tens of millions of human lives. On this occasion, the United Nations proved equal to the situation and acted in accordance with its Charter. However, the peace that has been restored needs to be soundly strengthened.

The crux of the resolution just adopted is to turn the temporary cessation of hostilities into a permanent cease-fire between Iraq and Kuwait and those States cooperating with Kuwait after official notification by Iraq of its acceptance of the resolution. The deployment on the Kuwait-Iraqi boundaries of United Nations observers will create conditions for the withdrawal of the multinational forces from that region. An important element in this process is the demarcation of the boundaries between Iraq and Kuwait in accordance with the agreement to that effect deposited with the United Nations. It is of prime importance to observe the provision that the task of ensuring the inviolability of the boundary between Iraq and Kuwait be borne by the Security Council, which, to that end, may take all necessary steps in accordance with the Charter of the United Nations.

The resolution we have adopted paves the way to forming a post-crisis settlement. In that connection, the most acute issue is that of creating an effective barrier against the use of weapons of mass destruction in that region. From that viewpoint, of great importance are the provisions in the resolution regarding Iraq's destruction of chemical and biological weapons and longer-range missiles, which represent a direct threat to countries in the region, and in the context of Iraq's confirmation of its obligations of the Geneva Protocol of 1925 to

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bring into play the International Atomic Energy Agency to supervize nuclear sites in Iraq and efforts to create in the Middle East an area free from all such weapons. It is also important that all Middle Eastern countries accede to the non-proliferation Treaty and those international agreements prohibiting chemical and biological weapons. Serious thought should be given to the question of the balanced reduction of supplies of conventional weapons to that region, which is even now overflowing with the most up-to-date varieties of those weapons. The first step along this path is an embargo on supplying arms and military matériel to Iraq.

An important function in ensuring the post-crisis settlement in this region belongs to the United Nations, which should play the role of a reliable guarantor of security. This logically derives from the role of the Security Council in organizing the efforts collectively to repulse the Iraqi aggression, and from Security Council resolution 598 (1987).

A key role in determining the parameters of the post-crisis settlement must belong to the States of the region. However, we should not allow the creation of bloc groupings, which would lead to perpetuating old and promoting the emergence of new problems and disagreements. The post-crisis settlement should not be aimed against anyone in particular, but should rather be intended to promote cooperation among all the States of the region concerned, as well as those States that are not directly involved but make an important contribution to the maintenance of peace and stability there. In that context, we should like to state that Iraq, as a sovereign State, must take its rightful place in the political and economic infrastructure of the region. Relations among States in the region should at the same time be based on such fundamental principals of international law as non-intervention in each other's internal affairs, the non-use or threat of use of force, the settlement of disputes by peaceful means, the recognition of the right

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of all countries of the region to sovereignty and territorial integrity within existing, internationally recognized boundaries.

The adoption of this resolution provides the necessary conditions to restore normal economic relations in the region, the speedy elimination of the consequences of the ecological crisis, and compensation for the damage which has been caused to Kuwait and its people. In particular, those maritime areas that have been polluted by oil will have to be purified, and over 500 burning oil wells will have to be extinguished in Kuwait, which will require considerable effort.

The resolution, we believe, properly reflects the need for a solution to be found to Kuwait's and Iraq's humanitarian problems. Its adoption will make it possible immediately to proceed to supply foodstuffs and medicine, as well as goods and materials intended to meet the fundamental needs of the civilian population. This is of vital importance to the people of Iraq, which is on the brink of starvation and an epidemiological catastrophe.

In summary, I should like to emphasize that, in order to strengthen our success, we must maintain the high degree of interaction already achieved, as well as the cooperation between States Members of the United Nations in the post-crisis period. The steady normalization of the region will have a positive impact on the climate throughout the entire Middle East and will help to resolve the Arab-Israeli conflict. The Soviet Union is prepared, in active cooperation with all parties concerned, to make its own contribution in this regard.

The resolution adopted represents a major step towards a durable settlement in the Persian Gulf. Now that it is adopted, we should begin detailed work on those matters connected with the technical aspects and the financial implications of its implementation. Considerable work in preparing the necessary plans and recommendations will have to be done by the Secretary-General of the United Nations. The Security Council for its part should play a key role in keeping under

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constant supervision the entire process of implementing the resolution and take additional steps that may be required as its provisions are implemented.

This is the first time that the international community has demonstrated its united will in the face of one State occupying another. Possibly, this is not an ideal precedent in all respects, but we would like to believe that it may prevent such situations recurring in the future. The occurrence of such situations on the threshold of the twenty-first century is not in harmony with the new era in international politics, which may be difficult but is gradually emerging. If we all help those new trends to gain strength, then mankind will live in conditions of genuine security.

The PRESIDENT (interpretation from French): I thank the representative of the Union of Soviet Socialist Republics for his kind words addressed to me.

Mr. AYALA LASSO (Ecuador) (interpretation from Spanish): We are all aware, Sir, of your long diplomatic experience, your organizational skill, and your great patience, which are the truest guarantees for the success of our work this month in the Council.

I should like to thank Ambassador Peter Hohenfellner, the Permanent Representative of Austria, for the talent, skill and dynamism that he showed in conducting the work of the Council during the month of March. I should also like to extend my welcome to the Permanent Representative of Côte D'Ivoire, Ambassador Jean-Jacques Bechio, who is now joining the Council.

(Mr. Ayala Lasso, Ecuador)

The resolution which the Council has just adopted is of vital importance, for two fundamental reasons: first, because it formally marks the end of the phase of hostilities in the Gulf conflict and seeks to establish the foundations for a stable, permanent peace in the region; and, secondly, because its provisions refer to matters of great gravity and importance which must, therefore, reflect a genuine advance towards consolidating the rule of law in international relations.

We must, therefore, be extremely careful to continue to seek to solve the Gulf conflict in strict conformity with the rules of international law enshrined in the Charter. For Ecuador, it is particularly significant that the two resolutions in the discussion of which we have taken part as a member of the Council - resolution 686 (1991) and the resolution the Council has just adopted - unequivocally confirm the nullity of territorial conquest by force. In that regard, my country stresses the relevance of resolutions 2625 (XXV) of 24 October 1970 and 42/22 of 18 November 1987, unanimously adopted by the General Assembly of our Organization, whose fundamental principles have been confirmed by the Council in this specific matter.

Lasting peace cannot be based otherwise than on justice and law. Victory should serve only to restore law when it has been broken, not to change it. If that were not so, peace would stand on shaky, weak ground, and, as history has taught us on more than one occasion, could sow the seeds of fresh conflicts in the future.

Ecuador believes that efforts have been made to ensure that the provisions of the resolution fall within the bounds of Chapter VII of the United Nations Charter. We consider it necessary that participation by the countries of the region in the diplomatic arrangements leading to the establishment of lasting international peace and security should be accorded all the importance it deserves.

(Mr. Ayala Lasso, Ecuador)

It is also both positive and necessary that measures should be taken to put an end to the present arms race and prevent this tendency from emerging throughout the region. The presence of peace-keeping forces under United Nations authority will also be salutary; our Organization should be present and should cooperate in re-establishing and keeping the peace. Ecuador believes that any measures adopted to establish a nuclear-weapon-free zone in the region deserve its support. It is also timely to insist on observance of the international agreements which prohibit the use of asphyxiating and toxic gases and bacterial warfare and which seek the universal elimination of chemical and biological weapons.

The measures adopted in the resolution in those respects are essentially constructive, and are a response to an objective reality in the area.

It is obvious that Kuwait has the right to live peacefully within its legitimately established borders, in accordance with the law. In taking a position on the territorial boundary between Iraq and Kuwait and in requesting the Secretary-General to make arrangements with both countries to demarcate the boundary, acting within the scope of Chapter VII of the Charter, the Council has made the interpretation that this case is one of the exceptions envisaged in Article 36, which says that the Security Council:

> "... should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court".

Ecuador does not share this interpretation of the Charter.

While Chapter VII of the Charter authorizes the use of all necessary means to implement the resolutions of the Council, it cannot confer on the Council more powers than those set forth in the Charter itself. A position of the Council in this matter, which is an extremely sensitive one, must fall unequivocally within

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the bounds of international law and of the United Nations Charter if it is not to become a fresh source of conflict.

For those reasons, if it had been possible to vote separately on the individual paragraphs of the draft resolution before us, Ecuador would have indicated its disagreement with those points which deal with the boundary between Iraq and Kuwait.

Ecuador has taken note with satisfaction of the statement by the representative of the United States to the effect that the present case of the boundary between Iraq and Kuwait cannot be considered in any way as an applicable precedent: its character as an exception is its particular distinguishing feature. The fact that several other delegations have concurred in expressing that view strengthens the validity of the principle Ecuador has stated.

Ecuador considers that the Council must also approve the lifting of the sanctions, which are affecting the civilian population of Iraq. The sanctions measures adopted in the Committee set up under resolution 661 (1990), positive and well-aimed though they may be, require action by the Council to lift them; this, indeed, is indicated in the report by the Secretary-General in document S/22409. My Government also considers that we must move towards taking the necessary action, as provided for by the resolution, so that the definitive withdrawal of the coalition forces can take place.

Ecuador is firm in its desire to strengthen the world Organization and the Council in their primary functions of preserving international peace and security, and it therefore believes that this process cannot be carried out unless there is strict obedience to the principles, ground rules and areas of competence set out in the Charter as the sole guarantee for maintaining the international legal order in full force and ensuring the integrity, sovereignty and peaceful coexistence of States. These considerations, which are of great general importance, are even more

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important for small countries which find their sole protection and refuge in their attachment to the law.

It is only on the basis of law and respect between States that the building of a stable peace can be guaranteed. We must come to a redefinition of collective security which incorporates all the new, positive elements originating in recent Security Council resolutions and in the developments in international society in the past few months, a redefinition which would, moreover, draw together the painful experiences of the Gulf crisis. It falls to the Arab nation to play an important role in solving all the problems of the region, just as all of us should take part in the task of building a more peaceful, more just world.

There are many provisions in the resolution we have adopted which, although they could have been improved upon, do constitute a suitable response by the international community, and the Security Council in particular, to the Gulf crisis which was created by the invasion, annexation and destruction of Kuwait by Iraq. My country wishes to place on record its agreements with those provisions. However, because of the misgivings I have expressed in respect of part A of the operative part of the resolution, concerning the boundary between Iraq and Kuwait, my country abstained in the vote.

The PRESIDENT (interpretation from French): I thank the representative of Ecuador for his kind words addressed to me.

Sir David HANNAY (United Kingdom): May I begin by congratulating you, Mr. President. It is not the first time I have the pleasure of sitting in an institution presided over by you, but I would bear witness to the fact that you have lost none of your skill in the intervening four years. May I also congratulate your predecessor in the post and welcome very warmly the Ambassador of Côte d'Ivoire, who has arrived in our midst at a peculiarly interesting and important time.

The resolution we have just adopted marks an important milestone both in the crisis which began with Iraq's unprovoked and brutal invasion and annexation of Kuwait last August and in the overall development of the United Nations.

For more than five months the Security Council tried, by every means at its disposal short of the use of force, to bring about Iraq's withdrawal from Kuwait. During that period Iraq rejected every diplomatic approach made to it, systematically pillaged Kuwait and abused its population and, in the graphic words of the Secretary-General's recent report, pursued a deliberate attempt to extinguish that country. Faced by Iraq's refusal to withdraw peacefully, the coalition, specifically authorized to do so by the Council, had to use force to liberate Kuwait and to restore its sovereignty and its legitimate Government. My country is proud to have played its part in that just cause and to salute the courage and the professionalism of all those who fought so effectively to enable it to prevail.

But the expulsion of Iraq from Kuwait and the latter's liberation are of far greater and of far more positive significance for all countries in the world, and for this Organization as a whole, than the many regional conflicts with which we have tried to grapple over recent decades. They have marked a clear, firm and

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effective determination of the world community not to allow the law of the jungle to overcome the rule of law. They have shown that the Security Council, with not only the solidarity of its permanent members but with supporting votes from countries representing every region of the world, has been able to act to repel aggression in the way its founding fathers intended it to do. There are many small countries in each region of the world which have cause to worry about their larger, better-armed neighbours. They should be able to sleep more securely in their beds after this episode. Just think, on the contrary, how they would have felt if Saddam Hussein had been allowed by the United Nations to enjoy the fruits of his aggression.

Now the military action to liberate Kuwait is complete, and we face the far more difficult task of securing the peace - in the words of resolution 678 (1990), of restoring international peace and security in the area. Just as the Security Council had the primary responsibility to reverse the aggression, so it also has the responsibility to lay sound foundations for the future and to ensure that we are not again confronted with such a ruthless and comprehensive challenge to international law. That is the object of the resolution, and that is the yardstick by which it should be measured.

The resolution is a complex and detailed one, designed to cover the entire field traversed by the Council as it adopted the previous 13 resolutions. Only such a comprehensive approach has any hope of achieving the balance between firmness and fairness which is essential if lasting peace and stability are to be achieved. I have no intention of commenting on all its aspects, but I would like to concentrate on three crucial areas.

First, there is the question of the boundary between Iraq and Kuwait and of the future security of that small country, living always next door, as it is bound

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to do, to its larger and more powerful neighbour. The resolution is not attempting to settle the boundary between these two countries; that was done by the 1963 Agreement between them, which was registered with the United Nations. But the failure to demarcate that boundary and the determination of Iraq to raise territorial claims that are incompatible with the 1963 Agreement are at the roots of this dispute, and they must be addressed. Rapid demarcation of the boundary, the setting up of a United Nations unit to monitor a demilitarized zone along the frontier and a guarantee by the Security Council to step in if ever it is violated again are a carefully integrated package designed to ensure that there is no repetition of the events of last August. My Government is well aware of the great sensitivity to many Members of the Organization of the question of defining boundaries. We have no desire and no intention of overturning the principle that it is for the parties in question to negotiate and reach agreement, as was done in this case in 1932 and 1963. But, naturally, the Security Council has a duty to respond when disputes over boundaries arise and come to threaten international peace and security.

The second important issue I would mention is that of arms control and, in particular, the elimination of Iraqi weapons of mass destruction and of the missiles that can be used for their delivery. The resolution contains tough provisions for the destruction of Iraqi chemical and biological weapons and missiles and for ensuring that Iraq's attempts to evade its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and develop a nuclear-weapons programme are frustrated and never repeated. It is surely right to do so. For Iraq alone in the region has not only developed many of these weapons, it has actually used them both against a neighbouring State and against its own population, and it has made the threat of their use part of the daily discourse of

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its diplomacy as it has attempted to bully and to coerce its neighbours. That must be stopped if there is to be peace and security in the region. It is frankly a sick joke to argue that Iraq needs these weapons for its own security and defence. But action against Iraq's weapons of mass destruction must clearly not be the end of the affair, a one-off operation, and that is why the resolution so clearly situates this action within the wider framework of work towards a whole region free of weapons of mass destruction and, indeed, towards even wider actions - for example to outlaw chemical weapons worldwide. If the example of Iraq gives the impetus we would like to see given to such wider negotiations, then some good will have come out of the evil wrought by Saddam Hussein.

Similar considerations apply to the maintenance of a strict arms embargo on other weapons. It is Iraq's spending spree over recent years, linked to the aggressive policies of its ruler, which have so destabilized the security of the Gulf area. We hope the guidelines for the embargo which the Secretary-General has been asked to draw up will pay particular attention to the activities of countries engaged in the procurement of military equipment on behalf of Iraq.

Then, thirdly, there is the question of compensation for the appalling damage inflicted on Kuwait and many others by the Iraqi armed forces and their leadership. To take the two extremes to be avoided, it surely is quite unacceptable simply to overlook or to forget the need for compensation. Millions of dollars worth of Kuwait's irreplaceable natural resources are being destroyed every day, Kuwait's economy and infrastructure have been wantonly wrecked, dreadful environmental damage has been caused to the whole Gulf region and many companies and individuals have suffered appalling losses. On the other hand, it makes no sense at all so to cripple Iraq and its economy with the burden of paying for this damage that it is in fact unable to do so. The resolution seeks to tread a path

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between these two extremes by making financial provision for meeting claims out of a limited proportion of Iraq's future oil revenues. It is important to remember that what is really crippling the Iraqi economy already is the incredible burden of the military expenditure Saddam Hussein has loaded onto it - 28 per cent of Iraq's gross national product in 1988 was devoted to military expenditure. That is indeed a figure that gives pause for thought. Paying for two disastrous wars is what has brought the Iraqi economy to its knees. There is no reason at all why an Iraq, once rid of this terrible load of military expenditure and blessed as it is with the second-largest unused oil reserves in the world, should not be able both to assure a reasonable measure of economic development and prosperity to its people and to meet claims for compensation.

(Sir David Hannay, United Kingdom)

Iraq now has a clear choice. It can, by accepting this resolution and by implementing it rapidly and honestly, turn its back on the errors and crimes of the recent past; or it can perpetuate the suffering and damage for a further period until it becomes intolerable. If the rulers of Iraq opt for the second choice, they will once again have shown that they put personal ambition and the lust for domination at home and abroad above the welfare of their own people. It will be yet another tragic mistake in a long series of such mistakes.

My Government believes that it will in fact prove impossible for Iraq to rejoin the community of civilized nations while Saddam Hussein remains in power. Nothing illustrates this point better than the brutal repression that is taking place in Iraq now of all those, Kurds and others, who want a different sort of Iraq from the totalitarian tyranny of recent years. This Council must now urgently find an appropriate response to the human tragedy unfolding in the mountains of North Iraq and along the Turkish frontier. Our quarrel has always been and remains with Saddam Hussein and his cronies, not with the people of Iraq. We have recently been having contacts with many members of the Iraqi opposition, Sunni and Shia, Arab and Kurd. We have been impressed by their desire to cooperate together, to establish democracy and respect for human rights in Iraq, as well as to preserve its territorial integrity and its sovereignty. We share those goals. We too would be happy to see democracy and respect for human rights established in an Iraq whole within its present borders and free from tyranny.

The PRESIDENT (interpretation from French): I thank the representative of the United Kingdom for the kinds words he addressed to me.

Mr. HOHENFELLNER (Austria): Admittedly, I proposed last month to abolish the usual congratulations. I would not miss, however, in this new month of April to congratulate my colleague and friend Ambassador Paul Noterdaeme on the assumption of the presidency and cordially welcome at the same time the Ambassador

(Mr. Hohenfellner, Austria)

of Côte d'Ivoire to the Security Council. I do have to thank also all those who found kind words to say about the Austrian presidency of the Council in March. It was a difficult month and I should like to thank all members of the Council for their splendid cooperation.

Today the Security Council has taken another big step, in many ways an unprecedented one: on the one hand, this testifies to how far we, the Security Council, have come, and to what extent we are now able to cooperate, for such a resolution would previously have been impossible to achieve. On the other hand, the Council, by adopting such a comprehensive decision, also now assumes grave and unprecedented responsibilities.

I do not propose to comment on specific elements of the text. Suffice it to say that we are satisfied to see some of our ideas adequately reflected therein, in particular as far as humanitarian aspects are concerned. Instead, I should like to offer a few remarks of a more general and, indeed, forward-looking nature.

When I first addressed the Council on 14 February, I underlined the paradigmatic importance of the way we deal with, and finally resolve this conflict - not only for the future of the region, but also for the concept of collective security and the role of the United Nations as a whole. History will be the judge of whether we have chosen the right approach. Today, we can only say, in all honesty, we did what seemed best.

Power, as the old saying goes, grows out of the barrel of a gun. But peace does not: it grows out of human hearts and minds. The Security Council Committee established by resolution 661 (1990) acted, I believe, in this very spirit when it took, on 22 March, its decision on the determination of the humanitarian needs of the Iraqi people.

The resolution today also contains important provisions that should help to alleviate the grave situation the civilians in Iraq are facing. They can, however,

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only form the beginning of a larger process: a comprehensive, internationally concerted system of relief operations will be necessary in order to bring the fundamental basics of civilian life, like proper nutrition, waste disposal, health services, agriculture and related transport and communication facilities, back to normal. A number of States, from all regional groups, have sent, or are currently sending, relief goods to Iraq. Competent United Nations agencies and programmes, as well as the International Committee of the Red Cross, have already begun to help. But their resources are limited. It will be indispensable to raise funds by asking States and individuals for their generous support to assist the innocent civilian population. This could perhaps best be done in the form of an appeal by the Secretary-General. Aid for the vulnerable groups of the civilian population is not only needed desperately, it is also needed without delay.

Austria is also gravely concerned about reports of heavy fighting and bloodshed in Iraq with disastrous consequences for the civilian population, in particular in the area inhabited by Kurds and others. We hope, like the Secretary-General in his statement to the press of 2 April 1991, that maximum restraint will be exercised and urge that the present situation be resolved peacefully without further loss of life and suffering.

Yesterday Turkey informed you, Mr. President, about the plight of some 220,000 Iraqi citizens, many of them women and children, who are massed along the Turkish border. The world cannot idly stand by when international humanitarian and human rights norms are grossly violated. With a view to safeguarding the human rights of the Kurds and other persons threatened by the armed repression of the Iraqi Government forces, my Government therefore endorses both the request of Turkey that the Security Council urgently deal with that alarming situation and take effective measures and the position of France that the Security Council should pronounce itself on these pressing issues.

(Mr. Hohenfellner, Austria)

Every battle comes to an end. Fortunately, the end, in this instance, was timely. The task of now maintaining peace is endless, sometimes mundane, but ultimately even more challenging. Some elements of our decision today are of particular relevance in this respect. One is the deployment of United Nations observers. Austria has already declared its readiness to participate, at short notice, in such an operation. We look forward with interest to the Secretary-General's plan, in particular to the proposed duration of the operation. We see it as a provisional measure that should contribute to creating conditions conducive to negotiations. Another area to be covered in this plan will be the financing of this operation. I wonder whether this would not be the right moment to look into an idea put forward by other members of the Council some time ago, namely the provision of special contributions by those who benefit most by such an operation and are financially in a position to do so, be they States or private entities. This could possibly best be done by voluntary contributions to the working capital fund of the United Nations.

This resolution is rightly based on the premise that the relevant actions to be taken by Iraq represent only first steps towards the goal of establishing a zone free from weapons of mass destruction and all missiles for their delivery in the Middle East and towards the objective of a global ban on chemical weapons. It also highlights the objective of achieving a balanced and comprehensive control of armaments in the region. This will require a responsible approach on the part of the main suppliers of arms and of their buyers alike.